West Virginia Department of Environmental Protection
Division of Air Quality

Joe Manchin III
Governor

Stephanie R. Timmermeyer
Cabinet Secretary

Permit to Operate

Pursuant to

Title V

of the Clean Air Act

Issued to:

Appalachian Power Company
John E. Amos Plant/St. Albans, WV
R30-07900006-2005

John A. Benedict
Director

Issued: June 29, 2005 • Effective: July 12, 2005
Expiration: June 29, 2010 • Renewal: December 29, 2009

Permit Number: **R30-07900006-2005**
Permittee: **Appalachian Power Company (d.b.a. American Electric Power)**
Facility Name: **John E. Amos Plant**
Mailing Address: **1 Riverside Plaza, Columbus, OH 43215-2373**

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Facility Location:	St. Albans, Putnam County, West Virginia
Mailing Address:	P. O. Box 4000, St. Albans, WV 25177
Telephone Number:	(304)759-3200
Type of Business Entity:	Corporation
Facility Description:	Electric Generation Service
SIC Codes:	Primary 4911; Secondary N/A; Tertiary N/A
UTM Coordinates:	428.16 km Easting • 4258.42 km Northing • Zone 17

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

Table of Contents

1.0. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Boiler & Associated Equipment					
Unit 1	CS012	Foster Wheeler, Model #2-85-543	1971	7020 mmBtu/hr	High efficiency ESP, LNB, SCR
Unit 2	CS012	Foster Wheeler, Model #2-85-706	1972	7020 mmBtu/hr	High efficiency ESP, LNB, SCR
Unit 3	AM3	Babcock & Wilcox, Model # UP-101	1973	11936 mmBtu/hr	High efficiency ESP, LNB, SCR, FGD
Aux 1	Aux AM1	Foster Wheeler, Model #SD-25 (Auxiliary Boiler for Unit 1 & Unit 2)	1971	642 mmBtu/hr	NA
Aux 3	Aux AM3	Babcock & Wilcox, Model # PFI-3134 (Auxiliary Boiler for Unit 3)	1971	600 mmBtu/hr	NA
Coal Handling Equipment (Units 1, 2, & 3)					
BU	BU	Barge Unloader (unload barge onto Conveyor 3 in Station 3)	1971	4000 TPH	WS, MC
C-3	C-3	Conveyor 3 (transfer from BU to conveyor 3A in Station 3)	1971	4000 TPH	WS, MC
Station 3	Sta-3	Drop Point from conveyor 3 to conveyor 3A	1971	4000 TPH	FE, MC
C-3A	C-3A	Conveyor 3A (transfer to Station 3A)	1971	4000 TPH	FE, MC
Station 3A	Sta-3A	Drop point from conveyor 3A to coal crusher or conveyor 4	1971	4000 TPH	FE, DC, MC
CR-3A	CR-3A	Coal Crusher 3A (bypassed)	1971	4000 TPH	FE, DC, MC
C-4	C-4	Conveyor 4 (transfer to Station 4)	1971	4000 TPH	PE, MC
Station 4	Sta-4	Drop Point from Conveyor 4 or Conveyor 2 to Conveyor 5E/5W	1971	4000 TPH	FE, DC, MC
BD-RCU	BD-RCU	Bottom Dump Coal Railcar Unloader (unload railcars onto conveyor R2)	1999	4000 TPH	PE, MC
C-R2	C-R2	Conveyor R2 (transfer from BD-RCU to Station 4a)	1999	4000 TPH	PE, MC
Station 4a	Sta-4a	Drop point from conveyor R2 to conveyor 5E/5W	1999	4000 TPH	FE, MC

[1] "Year Installed" reflects the "commenced" construction or modification date as defined in 40 CFR 60.

[2] Rated Design Capacity

[3] Control Device/Control System abbreviations: ESP = Electrostatic Precipitators, LNB = Low NOx System, SCR = Selective Catalytic Reduction, FE = Full enclosure, PE = Partial Enclosure, DC = Dust Collector(s), MC = Moisture Content, WS = Wetting Spray, VF = Vent Filter, BVF =Bin Vent Filter, FS = Filter Separator, TC = Telescopic Chute, WES = Wet Extraction System, FGD = Flue Gas Desulfurization

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
C-5E, C-5W	C-5E, C-5W	Conveyors 5E and 5W (transfer to stackers 5WS and 5ES or bypass pile to conveyors 8E and 8W)	1971	4000 TPH, each	MC
5WS and 5ES	5WS and 5ES	Stackers 5WS and 5ES (transfer to stockpile – CSA-1)	1971	4000 TPH, each	MC
CSA-1	CSA-1	Amos Coal Storage Area #1	1971	Approx. 35 acres	WS, MC
Station 5/5E	Sta-5/5E	Drop point from stockpile CSA-1 to feeders 6E-A through 6E-K and/or feeders 6-A through 6-K	1971	2000 TPH	FE, MC
F6E-A through F6E-K and F6-A through F6-K	F6E-A through F6E-K and F6-A through F6-K	Feeders 6E-A through 6E-K and/or feeders 6-A through 6-K (transfer to Conveyors 7/7E in Stations 5 and 5E)	1971	2000TPH	FE, MC
C-7, C-7E	C-7, C-7E	Conveyors 7 and 7E (transfer to Station 6)	1971	2000 TPH, each	FE, MC
Station 6	Sta-6	Drop from Conveyors 7/7E or 5E/5W to Conveyors 8E/8W	1971	2000 TPH	FE, MC
C-8E, C-8W	C-8E, C-8W	Conveyors 8E and 8W (transfer to Station 7)	1971	2000 TPH, each	PE, MC
CR-70E	CR-70E	Coal Crushers 70E	Replaced 2004	1600 TPH	FE, MC
CR-70W	CR-70W	Coal Crusher 70W	Replaced 2003	1600 TPH	FE, MC
Station 7	Sta-7	Drop from Conveyors 8E/8W to Coal Crushers or to Conveyors 9E/9W	1971	2000 TPH	FE, MC
C-9E, C-9W	C-9E, C-9W	Conveyors 9E and 9W (transfer to Station 8)	1971	2000 TPH, each	FE, MC
Station 8	Sta-8	Drop from Conveyors 9E/9W to Conveyor 10, Conveyors 12E/12W, or Conveyors 16N/16S	1971	2000 TPH	FE, DC, MC
C-10	C-10	Conveyor 10 (transfer to ½ of Unit 2 Coal Bunkers or to Conveyor 11)	1972	2000TPH	FE, DC, MC
C-11	C-11	Conveyor 11 (transfer to ½ of Unit 2 Coal Bunkers)	1972	2000TPH	FE, DC, MC
C-12E, C-12W	C-12E, C-12W	Conveyors 12E and 12W (transfer to Station 9)	1971	2000 TPH, each	PE, MC
Station 9	Sta-9	Drop from Conveyors 12E/12W to Conveyor 13	1971	2000 TPH	FE, MC
C-13	C-13	Conveyor 13 (transfer to ½ of Unit 1 Coal Bunkers or to Conveyor 14)	1971	2000TPH	FE, DC, MC

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
C-14	C-14	Conveyor 14 (transfer to ½ of Unit 1 Coal Bunkers)	1971	2000TPH	FE, DC, MC
Station 10	Sta-10	Drop from Conveyors 9E/9W to Conveyors 16N/16S	1973	2000TPH	FE, DC, MC
C-16N, C-16S	C-16N, C-16S	Conveyors 16N and 16S (transfer to Station 11)	1973	2000TPH	FE, DC, MC
Station 11	Sta-11	Drop from Conveyors 16N/16S to Conveyors 17E/17W	1973	2000 TPH	FE, MC
C-17E, C-17W	C-17E, C-17W	Conveyors 17E and 17W (transfer to Station 12)	1973	2000TPH	FE, MC
Station 12	Sta-12	Drop from Conveyors 17E/17W to Conveyors 18N/18S	1973	2000 TPH	FE, MC
C-18N, C-18S	C-18N, C-18S	Conveyors 18N and 18S (transfer to Station 13)	1973	2000TPH	FE, MC
Station 13	Sta-13	Drop from Conveyors 18N/18S to Conveyors 21E/21W and/or 19N/19S	1973	2000 TPH	FE, MC
C-21E, C-21W	C-21E, C-21W	Conveyors 21E and 21W (transfer to Station 14)	1973	2000TPH	FE, MC
Station 14	Sta-14	Drop from Conveyors 21E/21W to Conveyors 22N/22S	1973	2000 TPH	FE, MC
C-22N, C-22S	C-22N, C-22S	Conveyors 22N and 22S (transfer to ¼ of Unit 3 Coal Bunkers or to Conveyors 23N/23S)	1973	2000TPH	FE, DC, MC
C-23N, C-23S	C-23N, C-23S	Conveyors 23N and 23S (transfer to ¼ of Unit 3 Coal Bunkers)	1973	2000TPH	FE, DC, MC
C-19N, C-19S	C-19N, C-19S	Conveyors 19N and 19S (transfer to ¼ of Unit 3 Coal Bunkers or to Conveyors 20N/20S)	1973	2000TPH	FE, DC, MC
C-20N, C-20S	C-20N, C-20S	Conveyors 20N and 20S (transfer to ¼ of Unit 3 Coal Bunkers)	1973	2000TPH	FE, DC, MC
RD-RCU	RD-RCU	Rotary Dump Coal Railcar Unloader (unload railcars onto feeders F1-1, F1-2, and F1-3 at Station 1)	1971	4000 TPH	PE, WS, MC
Station 1	Sta-1	Drop from Rotary Dump Coal Railcar Unloader to feeders F1-1, F1-2, and F1-3	1971	4000 TPH	PE, WS, MC
F1-1, F1-2, and F1-3	F1-1, F1-2, and F1-3	Feeders F1-1, F1-2, and F1-3 (transfer to Conveyor 1 in Station 1)	1971	4000 TPH (total)	FE, MC
C-1	C-1	Conveyor 1 (transfer to Station 2)	1971	4000 TPH	PE, WS, MC
Station 2	Sta-2	Drop from Conveyor 1 to Coal Crusher, Conveyor 2 or Conveyor 2B	1971	4000 TPH	FE, MC

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
CR-20	CR-20	Coal Crusher 20	1971	4000 TPH	FE, DC, WS, MC
C-2	C-2	Conveyor 2 (transfer to Station 4)	1971	4000 TPH	PE, MC
Coal Handling Equipment (Putnam Terminal)					
C-2B	C-2B	Conveyor 2B (transfer to Station B)	1979	3300 TPH	FE, DC, MC
Station B	Sta-B	Drop point from Conveyor 2B to Conveyors B or BC through Surge Hopper	1979	3300 TPH	FE, MC
SH	SH	Surge Hopper in Station B	1979	700 Tons	FE, DC, MC
C-B	C-B	Reversible Conveyor B between Station B and Radial Stacker B Drive Tower (for Putnam Storage Pile)	1979	3300 TPH	PE, MC
RS-B Drive Tower	RS-B Drive Tower	Drop from Conveyor B to Radial Stacker B (RS-B)	1979	1600 TPH	PE, MC
RS-B	RS-B	Radial Stacker B (transfer to Putnam Terminal Coal Storage Area (CSA-2))	1979	1600 TPH	PE, MC
CSA-2	CSA-2	Putnam Terminal Coal Storage Area	1979	Approx. 30 acres	MC
CSA-2 Reclaim Area	CSA-2 Reclaim Area	Drop point from stockpile CSA-2 to feeders VFB-1 and VFB-2	1979	3200TPH (VFB-1), and 1600 TPH (VFB-2)	PE, MC
VFB-1, VFB-2	VFB-1, VFB-2	Vibrating feeders VFB-1 and VFB-2 (transfer to Conveyor B at CSA-2 Reclaim Area)	1979	3200TPH (VFB-1), and 1600 TPH (VFB-2)	PE, MC
C-BC	C-BC	Conveyor BC (transfer to Station C)	1979	3300 TPH	FE, DC, MC
Station C	Sta-C	Drop point from Conveyor BC to Coal Barges via Shuttle Conveyors RB and/or RA	1979	3300 TPH	FE, MC
C-RA, C-RB	C-RA, C-RB	Shuttle Conveyors (Barge Loading) RB and RA	1979	3000 TPH	WS, MC
Ash Handling Equipment					
FAS-1, FAS-2, FAS-3, FAS-4	FAS-1, FAS-2, FAS-3, FAS-4	Unit 1 and 2 Fly Ash Silos (2 silos per unit)	1971	96,000 ft^3 (ea.)	FE, Vent Filter
RU 1-12	RU 1-12	Fly Ash Rotary Unloaders (3 per silo)	1971	230 TPH (avg.)	WS, MC
Haul Roads	Haul Roads	Fly Ash Material Haul Roads	N/A	N/A	Water Truck
~~Unit 3 Ash Handling System~~	~~Unit 3 Ash Handling System~~	~~The Unit 3 Ash Handling System at Amos Plant is a wet system~~	~~N/A~~	~~N/A~~	~~Wet System~~

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
1S	4E	Limestone Material Handling	2006/2007	1500 TPH	None
2S	5E	Limestone Mineral Processing	2006/2007	500 TPH	None
2S	6E	Limestone Mineral Processing	2006/2007	500 TPH	Fabric Filter
2S	7E	Limestone Mineral Processing	2006/2007	500 TPH	Fabric Filter
2S	8E	Limestone Mineral Processing	2006/2007	500 TPH	Fabric Filter
3S	9E	Gypsum Material Handling	2006/2007	300 TPH	None
4S	10E	Dry Sorbent Material Handling	2006/2007	50 TPH	None
4S	11E	Dry Sorbent Material Handling	2006/2007	50 TPH	Fabric Filter
4S	12E	Dry Sorbent Material Handling	2006/2007	50 TPH	Fabric Filter
5S	13E	MgOH Material Handling	2006/2007	8000 gal/hr	None
6S	14E	Wastewater Treatment Handling	2006/2007	80 TPH	None
6S	15E	Wastewater Treatment Handling	2006/2007	50 TPH	Fabric Filter
ME-1	3E	Mechanical Extractor 1 for Unit 3 Fly Ash System	2009	NA	FS-A1, FS-B1
ME-2	3E	Mechanical Extractor 2 for Unit 3 Fly Ash System	2009	NA	FS-A2, FS-B2
ME-3	3E	Mechanical Extractor 3 for Unit 3 Fly Ash System	2009	NA	FS-A3, FS-B2
ME-4	3E	Mechanical Extractor 4 for Unit 3 Fly Ash System	2009	NA	FS-A4, FS-B4
ME-5 (Spare)	3E	Mechanical Extractor 5 for Unit 3 Fly Ash System	2009	NA	Filter Separator (FS-B5)
FAS-5	EP-1	Unit 3 Fly Ash Silo A	2009	1600 tons	BVF1
FAS-6	EP-2	Unit 3 Fly Ash Silo B	2009	1600 tons	BVF2
FC-A1	EP-3	Transfer fly ash from Unit 3 Fly Ash Silo A to Dense Slurry Tanks Pin/Paddle Mixer via Fluidized Conveyor A1 TP	2009	65 tph	VF1
FC-A2	EP-4	Transfer fly ash from Unit 3 Fly Ash Silo A to Dense Slurry Tanks Pin/Paddle Mixer via Fluidized Conveyor A2 TP	2009	65tph	VF2
FC-A3	EP-5	Transfer fly ash from Unit 3 Fly Ash Silo A to Dense Slurry Tanks Pin/Paddle Mixer via Fluidized Conveyor A3 TP	2009	360 tph	VF3
WFA-3A	F-1	Transfer fly ash from Unit 3 Fly Ash Silo A to Truck via Pin/Paddle Mixer TP	2009	360 tph	MC
FC-B1	EP-6	Transfer fly ash from Unit 3 Fly Ash Silo B to Dense Slurry Tanks Pin/Paddle Mixer via Fluidized Conveyor B1 TP	2009	65 tph	VF4
FC-B2	EP-7	Transfer fly ash from Unit 3 Fly Ash Silo B to Dense Slurry Tanks Pin/Paddle Mixer via Fluidized Conveyor B2 TP	2009	65tph	VF5
FC-B3	EP-8	Transfer fly ash from Unit 3 Fly Ash Silo B to Dense Slurry Tanks Pin/Paddle Mixer via Fluidized Conveyor B3 TP	2009	360 tph	VF6
WFA-3B	F-2	Transfer fly ash from Unit 3 Fly Ash Silo B to Truck via Pin/Paddle Mixer TP	2009	360 tph	MC
DFA-3B	F-3	Telescopic Chute TP	2009	360 tph	TC

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
DST-3	EP-9	Unit 3 Dense Fly Ash Slurry Tank	2009	5200 gal	WES1
Miscellaneous Other					
EDFP-Unit1	EDFP-Unit1	Drive Engine for Unit 1 Engine Driven Fire Pump	1971	230 HP	N/A
EDFP-Unit2	EDFP-Unit2	Drive Engine for Unit 2 Engine Driven Fire Pump	1972	230 HP	N/A
EDFP-Unit3	EDFP-Unit3	Drive Engine for Unit 3 Engine Driven Fire Pump	1973	270 HP	N/A
Tank #1	Tank #1	Unit 3 No. 2 Fuel Oil Tank	1973	4,000,000 gal	N/A
Tank #2	Tank #2	Unit 1 No. 2 Fuel Oil Tank	1970	500,000 gal	N/A
Tank #3	Tank #3	Unit 2 No. 2 Fuel Oil Tank	1970	500,000 gal	N/A
Tank #4	Tank #4	Coal Transfer Station #12 No. 2 Fuel Oil Tank (heating oil)	1979	5,000 gal	N/A
Tank #5	Tank #5	Station “B” Heating Oil Tank	1980	5,000 gal	N/A
Tank #6	Tank #6	Station #3A Heating Oil Tank	1979	10,000 gal	N/A
Tank #7	Tank #7	Station #4 Heating Oil Tank	1979	2,000 gal	N/A
Tank #8	Tank #8	Station #6 Heating Oil Tank	1979	2,000 gal	N/A
Tank #9	Tank #9	Station #7 Heating Oil Tank	1980	2,000 gal	N/A
Tank #10	Tank #10	Station #7E Heating Oil Tank	1979	2,000 gal	N/A
Tank #11	Tank #11	Tractor Garage (East) Mobile Equipment Diesel Fuel Tank	1991	20,000 gal	N/A
Tank #12	Tank #12	Tractor Garage (North) Locomotive Diesel Fuel Tank	1991	6,000 gal	N/A
Tank #13	Tank #13	Unit 2 Diesel Fuel Tank (South)	1991	1,000 gal	N/A
Tank #14	Tank #14	Landfill Truck Wash Diesel Fuel Tank	1999	250 gal	N/A
Tank #15	Tank #15	Unit 2 Sulfuric Acid Tank #1	1994	5,000 gal	N/A
Tank #16	Tank #16	Unit 2 Sulfuric Acid Tank #2	1994	5,000 gal	N/A
Tank #17	Tank #17	Unit 3 Sulfuric Acid Tank #1 (next to U-3 Pretreatment)	1995	5,000 gal	N/A
Tank #18	Tank #18	Unit 3 Sulfuric Acid Tank #2 (next to U-3 Pretreatment)	1995	5,000 gal	N/A
Tank #19	Tank #19	Ammonium Hydroxide Tank (East of Unit 1)	1971	4,750 gal	N/A
Tank #20	Tank #20	Ammonium Hydroxide Tank (Northeast of Unit 3)	1973	10,000 gal	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Tank #21	Tank #21	Diethylene Glycol Tank (Stak Rake)	2000	275 gal	N/A
Tank #22	Tank #22	Diethylene Glycol Tank (Coal Transfer Station #7)	2000	3,000 gal	N/A
Tank #23	Tank #23	Diethylene Glycol Tank (Coal Transfer Station #12)	2000	275 gal	N/A
Tank #24	Tank #24	Fuel Solv (FS-20) Tank	1995	1,000 gal	N/A
Tank #25	Tank #25	Sodium Hydroxide Tank #1	1971	5,700 gal	N/A
Tank #26	Tank #26	Sodium Hydroxide Tank #2	1972	5,700 gal	N/A
Tank #27	Tank #27	Carbon Dioxide #1 (fire protection)	1971	6 Ton	N/A
Tank #28	Tank #28	Carbon Dioxide #2 (fire protection)	1973	12.5 Ton	N/A
Tank #29	Tank #29	Sodium Hydroxide Tank #3 polishing	1973	10,800 gal	N/A
Tank #30	Tank #30	Main Turbine Lube Oil Tank Unit 1	1971	11,500 gal	N/A
Tank #31	Tank #31	Main Turbine Lube Oil Tank Unit 2	1972	11,500 gal	N/A
Tank #32	Tank #32	Main Turbine Lube Oil Tank Unit 3	1973	20,000 gal	N/A
Tank #33	Tank #33	Sodium Hydroxide Tank #4 pretreatment	1973	13,800 gal	N/A
Tank #34	Tank #34	Lube Oil Holding Tank Unit 1	1971	18,000 gal	N/A
Tank #35	Tank #35	Lube Oil Holding Tank Unit 2	1972	18,000 gal	N/A
Tank #36	Tank #36	Lube Oil Holding Tank Unit 3	1973	30,000 gal	N/A
Tank #37	Tank #37	Chemical Cleaning Solution Tank	1989	1,500,000 gal	N/A
Tank #38	Tank #38	Feed Pump Turbine Lube Oil Tank Unit 1	1971	1,280 gal	N/A
Tank #39	Tank #39	Feed Pump Turbine Lube Oil Tank Unit 2	1972	1,280 gal	N/A
Tank #40	Tank #40	Feed Pump Turbine Lube Oil Tank Unit 3	1973	5000 gal	N/A
Tank #41	Tank #41	New Lube Oil Tank Unit 1	1971	1,000 gal	N/A
Tank #42	Tank #42	New Lube Oil Tank Unit 2	1972	1,000 gal	N/A
Tank #43	Tank #43	New Lube Oil Tank Unit 3	1973	3,000 gal	N/A
Tank #44	Tank #44	Diesel Engine Fuel Tank Unit 1 (Engine Driven Fire Pump)	1971	275 gal	N/A
Tank #45	Tank #45	Diesel Engine Fuel Tank Unit 2 (Engine Driven Fire Pump)	1972	275 gal	N/A
Tank #46	Tank #46	Diesel Engine Fuel Tank Unit 3 (Engine Driven Fire Pump)	1973	275 gal	N/A
Tank #47	Tank #47	Control Fluid Tank Unit 1	1971	600 gal	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Tank #48	Tank #48	Control Fluid Tank Unit 2	1972	600 gal	N/A
Tank #49	Tank #49	Feed Pump Turbine Control Fluid Tank Unit 3	1973	550 gal	N/A
Tank #50	Tank #50	Main Turbine Control Fluid Tank Unit 3	1973	1,800 gal	N/A
Tank #51	Tank #51	Waste Oil Tank "A"	1985 est.	250 gal	N/A
Tank #52	Tank #52	Waste Oil Tank "B"	1985 est.	250 gal	N/A
Tank #53	Tank #53	Waste Oil Tank "C"	1985 est.	300 gal	N/A
Tank #54	Tank #54	Waste Oil Tank "D"	1985 est.	300 gal	N/A
Tanks #55, #56, #57	Tanks #55, #56, #57	New Oil Tanks (North Bay in Tractor Shed)	1985	1000 gal. each	N/A
Tank #58	Tank #58	Used Oil Tank #1 (Station 7)	1975 est.	500 gal	N/A
Tank #59	Tank #59	Used Oil Tank #2 (Station 7)	1975 est.	500 gal	N/A
Tank #60	Tank #60	Used Oil Tank #3 (Tractor Garage)	1975 est.	500 gal	N/A
Tank #61	Tank #61	Used Oil Tank #4 (Tractor Garage)	1975 est.	500 gal	N/A
Tank #62	Tank #62	Used Oil Tank #5 (Tractor Garage)	1975 est.	500 gal	N/A
Tank #63	Tank #63	Used Oil Tank #6 (Station 7)	1975 est.	500 gal	N/A
Tank #64	Tank #64	Gasoline Tank (UST)	1991	2,500 gal	N/A
Tank #65	Tank #65	Urea Solution Recycle Tank	2002	282,000 gal	N/A
Tank #66	Tank #66	Urea Solution Holding Tank	2002	422,000 gal	N/A
Tank #67	Tank #67	Unit 2 Fuel Oil Recovery Tank (UST)	1971	400 gal	N/A
Tank #68	Tank #68	Unit 3 Fuel Oil Recovery Tank	1973	300 gal	N/A
Tank #69	Tank #69	Fuel Oil Spill Recovery Tank	1973	10,000 gal	N/A

1.2. Active R13, R14, and R19 Permits

The underlying authority for any conditions from R13, R14, and/or R19 permits contained in this operating permit is cited using the original permit number (e.g. R13-0123). The current applicable version of such permit(s) is listed below.

Permit Number	Date of Issuance
R13-480	March 8, 1979
R13-2663A	March 10, 2009

2.0. General Conditions

2.1. Definitions

2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.

2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.

2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

2.2. Acronyms

CAAA	Clean Air Act Amendments
CBI	Confidential Business Information
CEM	Continuous Emission Monitor
CES	Certified Emission Statement
C.F.R. *or* CFR	Code of Federal Regulations
CO	Carbon Monoxide
C.S.R. *or* CSR	Codes of State Rules
DAQ	Division of Air Quality
DEP	Department of Environmental Protection
FOIA	Freedom of Information Act
HAP	Hazardous Air Pollutant
HON	Hazardous Organic NESHAP
HP	Horsepower
lbs/hr *or* lb/hr	Pounds per Hour
LDAR	Leak Detection and Repair
M	Thousand
MACT	Maximum Achievable Control Technology
MM	Million
MMBtu/hr *or* mmbtu/hr	Million British Thermal Units per Hour
MMCF/hr *or* mmcf/hr	Million Cubic Feet Burned per Hour
NA	Not Applicable
NAAQS	National Ambient Air Quality Standards
NESHAPS	National Emissions Standards for Hazardous Air Pollutants
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standards
PM	Particulate Matter
PM_{10}	Particulate Matter less than 10μm in diameter
pph	Pounds per Hour
ppm	Parts per Million
PSD	Prevention of Significant Deterioration
psi	Pounds per Square Inch
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO_2	Sulfur Dioxide
TAP	Toxic Air Pollutant
TPY	Tons per Year
TRS	Total Reduced Sulfur
TSP	Total Suspended Particulate
USEPA	United States Environmental Protection Agency
UTM	Universal Transverse Mercator
VEE	Visual Emissions Evaluation
VOC	Volatile Organic Compounds

2.3. Permit Expiration and Renewal

2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]

2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]

2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]

2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

2.5.1. This permit shall be reopened and revised under any of the following circumstances:

a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.

b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.

c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.
[45CSR§30-6.4.]

2.7. Minor Permit Modifications

2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.
[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.
[45CSR§30-6.5.b.]

2.9. Emissions Trading

2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.
[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:

a. The change must meet all applicable requirements and may not violate any existing permit term or condition.

b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

c. The change shall not qualify for the permit shield.

d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.

e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9.]

2.11. Operational Flexibility

2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.
[45CSR§30-5.8]

2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.
[45CSR§30-5.8.a.]

2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or

b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.

a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.

b. The permit shield shall extend to all terms and conditions under each such operating scenario; and

c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution Control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:

a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

2.16.1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.
[45CSR§30-5.1.f.2.]

2.17. Emergency

2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
[45CSR§30-5.7.a.]

2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.
[45CSR§30-5.7.b.]

2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
[45CSR§30-5.7.d.]

2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.
[45CSR§30-5.2.a.]

2.18.2. Those provisions specifically designated in the permit as “State-enforceable only” shall become “Federally-enforceable” requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.
[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.
[45CSR§30-4.2.]

2.21. Permit Shield

2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.
[45CSR§30-5.6.a.]

2.21.2. Nothing in this permit shall alter or affect the following:

a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or

b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.

c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.
[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.
[45CSR§30-5.1.e.]

2.24. Property Rights

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.
[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.

b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.
[45CSR§30-5.1.a.2.]

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person~~, firm, corporation, association or public agency~~ is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]

3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause~~, suffer,~~ or allow ~~permit~~ any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). A copy of this notice is required to be sent to the USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health.
[40 C.F.R. 61 and 45CSR15]

3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]

3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2]

3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.
[W.Va. Code § 22-5-4(a)(14)]

3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.

b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

[40 C.F.R. 82, Subpart F]

3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.
[40 C.F.R. 68]

3.1.9. **Reserved**

~~NO_x Budget Trading Program (*Aux 1 and Aux 3*). The permittee shall comply with the standard requirements set forth in the attached NO_x Budget Permit Application (see Appendix A) and the NO_x Budget Permit requirements set forth in 45CSR1 for each NO_x budget source. The complete NO_x Budget Permit Application shall be the NO_x Budget Permit portion of the Title V permit administered in accordance with 45CSR30.~~
~~[45CSR§§1-6.1.b. and 20.1.]~~

~~a. The NO_x Budget portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§1-2 and, upon recordation by the Administrator under 45CSR§1-50 through 45CSR§1-57, 45CSR§1-60 through 45CSR§1-62 or 45CSR§1-80 through 45CSR§88, every allocation, transfer or deduction of a NO_x allowance to or from the compliance accounts of the NO_x Budget units covered by the permit or the overdraft account of the NO_x budget source covered by the permit.~~
~~[45CSR§1-23.2.]~~

~~b. Except as provided in 45CSR§1-23.2, the Director will revise the NO_x Budget portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.~~
~~[45CSR§1-24.1.]~~

~~AND~~

~~NO_x Budget Trading Program (*Unit1, Unit 2 & Unit 3*). The permittee shall comply with the standard requirements set forth in the attached NO_x Budget Permit Application (see Appendix A) and the NO_x Budget Permit requirements set forth in 45CSR26 for each NO_x budget source. The complete NO_x Budget Permit Application shall be the NO_x Budget Permit portion of the Title V permit administered in accordance with 45CSR30.~~
~~[45CSR§§26-6.1.b. and 20.1.]~~

~~a. The NO_x Budget portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§26-2 and, upon recordation by the Administrator under 45CSR§26-50 through 45CSR§26-57 or 45CSR§26-60 through 45CSR§26-62, every allocation, transfer or deduction of a NO_x allowance to or from the compliance accounts of the NO_x Budget units covered by the permit or the overdraft account of the NO_x budget source covered by the permit.~~
~~[45CSR§26-23.2.]~~

~~b. Except as provided in 45CSR§26-23.2, the Secretary will revise the NO_x Budget portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.~~
~~[45CSR§26-24.1.]~~

3.1.10. **Fugitive Particulate Matter Control.** No person shall cause, suffer, allow, or permit any source of fugitive particulate matter to operate that is not equipped with a fugitive particulate matter control system. This system shall be operated and maintained in such a manner as to minimize the emission of fugitive particulate matter. Sources of fugitive particulate matter associated with fuel burning units shall include, but not be limited to, the following:

a. Stockpiling of ash or fuel either in the open or in enclosures such as silos;

b. Transport of ash in vehicles or on conveying systems, to include spillage, tracking, or blowing of particulate matter from or by such vehicles or equipment; and

c. Ash or fuel handling systems and ash disposal areas.

[45CSR§2-5.1, 45CSR13, R13-2663, 4.1.9.]

3.1.11. A regular fugitive fly ash emissions inspection program shall be implemented and properly documented. The permittee at a minimum, shall inspect all fly ash fugitive dust control systems weekly to ensure that they are operated as necessary and maintained in good working order. The inspection program shall include provisions to document any observed accumulations of fly ash on or around facility control equipment and proximate areas. The inspections shall be documented and maintained on-site for a minimum of five (5) years.
[45CSR13, R13-2663, 4.1.13., Consent Order CO-R2-E-2005-2 §III.2. State-Enforceable only.]

3.1.12. Fugitive fly ash accumulations identified on or around all fugitive dust control systems per permit condition 3.1.11. above, shall be removed and properly disposed, as soon as reasonably and safely possible. Removal techniques may include, but are not limited to, the use of vacuum trucks, hand removal, or any other method so deemed suitable by the permittee.
[45CSR13, R13-2663, 4.1.14., Consent Order CO-R2-E-2005-2 §III.3. State-Enforceable only.]

3.1.13. **CAMR Mercury Budget Trading Program (Unit 1, Unit 2, Unit 3).** The owners and operators of each Hg Budget source required to have a Title V operating permit and each Hg Budget unit required to have a Title V operating permit at the source must have a Hg Budget permit issued by the Secretary under 45CSR§37-20 through 45CSR§37-24 for the source and operate the source and the unit in compliance with such Hg Budget permit. For each Hg Budget source required to have a Title V operating permit, such permit must include a Hg Budget permit administered by the Secretary. The Hg Budget portion of the Title V permit will be administered in accordance with 45CSR30, except as provided otherwise by 45CSR§37-20 through 45CSR§37-24. **[45CSR§§37-6.1.b. and 20.1., CO-R37-C-2008-4]**

a. Duty to apply. -- The Hg designated representative of any Hg Budget source required to have a Title V operating permit must submit to the Secretary a complete Hg Budget permit application under 45CSR§37-22 for the source covering each Hg Budget unit at the source at least 18 months (or such lesser time provided by the Secretary) before the later of January 1, 2010 or the date on which the Hg Budget unit commences operation.
[45CSR§37-21.1., CO-R37-C-2008-4]

b. Duty to reapply. -- For a Hg Budget source required to have a Title V operating permit, the Hg designated representative must submit a complete Hg Budget permit application under 45CSR§37-22 for the source covering each Hg Budget unit at the source to renew the Hg Budget permit in accordance with the Title V provisions addressing permit renewal.
[45CSR§37-21.2., CO-R37-C-2008-4]

c. A complete Hg Budget permit application must include the following elements concerning the Hg Budget source for which the application is submitted, in a format prescribed by the Secretary:

c.1. Identification of the Hg Budget source;

c.2. Identification of each Hg Budget unit at the Hg Budget source; and

c.3. The standard requirements under 45CSR§37-6.

c.4. A copy of the certificate of representation submitted to the Administrator in accordance with 45CSR§37-13.

[45CSR§37-22.1., CO-R37-C-2008-4]

d. Each Hg Budget permit is deemed to incorporate automatically the definitions of terms under 45CSR§37-2 and, upon recordation by the Administrator under 45CSR§37-51 through 45CSR§37-62, every allocation, transfer or deduction of a Hg allowance to or from the compliance account of the Hg Budget source covered by the permit.
[45CSR§37-23.2., CO-R37-C-2008-4]

e. Except as provided in 45CSR§37-23.2, the Secretary will revise the Hg Budget permit, as necessary, in accordance with the provisions of 45CSR 30 addressing permit revisions.
[45CSR§37-24.1., CO-R37-C-2008-4]

Refer to Compliance Order # CO-R37-C-2008-4 (Appendix E), which holds the requirements of 45CSR37, Section 21, in abeyance pending resolution of the ongoing CAMR litigation or final action is taken by the State to revoke this order or to repeal, revise, or replace 45CSR37.

3.1.14. **CAIR NO_x Annual Trading Program (Unit 1, Unit 2, Unit 3).** **The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix D) and the CAIR permit requirements set forth in 45CSR39 for each CAIR NO_x Annual source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.**
[45CSR§§39-6.1.b. and 20.1.]

~~**The owners and operators of each CAIR NO_x Annual source required to have a Title V operating permit and each CAIR NO_x Annual unit required to have a Title V operating permit at the source will have a CAIR permit issued by the Secretary under 45CSR§39-20 through 45CSR§39-24 for the source and operate the source and the unit in compliance with such CAIR permit. For each CAIR NO_x Annual source required to have a Title V operating permit, such permit must include a CAIR permit administered by the Secretary for the Title V operating permit. The CAIR portion of the Title V operating permit will be administered in accordance with 45CSR30 and any other applicable rule, except as provided otherwise by 45CSR§39-5 and 45CSR§39-20 through 45CSR§39-24.**~~

~~**a. Duty to apply. -- The CAIR designated representative of any CAIR NO_x Annual source required to have a Title V operating permit will submit to the Secretary a complete CAIR permit application under 45CSR§39-22 for the source covering each CAIR NO_x Annual unit at**~~

~~the source at least 18 months (or such lesser time provided by the Secretary) before the later of January 1, 2009 or the date on which the CAIR NO_x Annual unit commences operation.~~
~~[45CSR§39-21.1.]~~

~~b. Duty to reapply. For a CAIR NO_x Annual source required to have a Title V operating permit, the CAIR designated representative will submit a complete CAIR permit application under 45CSR§39-22 for the source covering each CAIR NO_x Annual unit at the source to renew the CAIR permit in accordance with 45CSR30.~~
~~[45CSR§39-21.2.]~~

~~c. A complete CAIR permit application will include the following elements concerning the CAIR NO_x Annual source for which the application is submitted, in a format prescribed by the Secretary:~~

~~c.1. Identification of the CAIR NO_x Annual source;~~

~~c.2. Identification of each CAIR NO_x Annual unit at the CAIR NO_x Annual source;~~

~~c.3. The standard requirements under section 45CSR§39-6; and~~

~~c.4. A copy of the complete certificate of representation under 45CSR§39-13.~~

~~[45CSR§39-22.1.]~~

a~~d~~. **The CAIR Permit portion of this** ~~**Each CAIR**~~ permit is deemed to incorporate automatically the definitions of terms under 45CSR§39-2 and, upon recordation by the Administrator under 45CSR§39-51 through 45CSR§39-57, 45CSR§39- 60 through 45CSR§39-62, every allocation, transfer, or deduction of a CAIR NO_X Annual allowance to or from the compliance account of the CAIR NO_X Annual source covered by the permit.
[45CSR§39-23.2.]

b~~e~~. Except as provided in 45CSR§39-23.2, the Secretary will revise the CAIR P~~p~~ermit **portion of this permit**, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30 ~~**or any other applicable rule addressing permit revisions**~~.
[45CSR§39-24.1.]

3.1.15. **CAIR NO_x Ozone Season Trading Program (Unit 1, Unit 2, Unit 3, Aux 1, Aux 3).** **The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix D) and the CAIR permit requirements set forth in 45CSR40 for each CAIR NO_x Ozone Season source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.**
[45CSR§§40-6.1.b. and 20.1.]

~~**The owners and operators of each CAIR NO_x Ozone Season source required to have a Title V operating permit and each CAIR NO_x Ozone Season unit required to have a Title V operating permit at the source will have a CAIR permit issued by the Secretary under 45CSR§40-20 through 45CSR§40-24 for the source and operate the source and the unit in compliance with such CAIR permit. For each CAIR NO_x Ozone Season source required to have a Title V operating permit, such permit must include a CAIR permit administered by the Secretary for the Title V operating permit. The CAIR portion of the Title V operating permit will be administered in accordance with 45CSR30 and any other applicable rule, except as provided otherwise by 45CSR§40-5 and 45CSR§40-20 through 45CSR§40-24**~~.

~~a. Duty to apply. -- The CAIR designated representative of any CAIR NO_x Ozone Season source required to have a Title V operating permit will submit to the Secretary a complete CAIR permit application under 45CSR§40-22 for the source covering each CAIR NO_x Ozone Season unit at the source at least 18 months (or such lesser time provided by the Secretary) before the later of January 1, 2009 or the date on which the CAIR NO_x Ozone Season unit commences operation.~~
~~[45CSR§40-21.1.]~~

~~b. Duty to reapply. -- For a CAIR NO_x Ozone Season source required to have a Title V operating permit, the CAIR designated representative will submit a complete CAIR permit application under 45CSR§40-22 for the source covering each CAIR NO_x Ozone Season unit at the source to renew the CAIR permit in accordance with 45CSR30.~~
~~[45CSR§40-21.2.]~~

~~c. A complete CAIR permit application will include the following elements concerning the CAIR NO_x Ozone Season source for which the application is submitted, in a format prescribed by the Secretary:~~

~~c.1. Identification of the CAIR NO_x Ozone Season source;~~

~~c.2. Identification of each CAIR NO_x Ozone Season unit at the CAIR NO_x Ozone Season source;~~

~~c.3. The standard requirements under section 45CSR§40-6; and~~

~~c.4. A copy of the complete certificate of representation submitted to the Administrator under subsection 45CSR§40-10.3.~~

~~[45CSR§40-22.1.]~~

a~~d~~. The CAIR Permit portion of this ~~Each CAIR~~ permit is deemed to incorporate automatically the definitions of terms under 45CSR§40-2 and, upon recordation by the Administrator under 45CSR§40-51 through 45CSR§40-57, 45CSR§40-60 through 45CSR§40-62, every allocation, transfer, or deduction of a CAIR NO_X Ozone Season allowance to or from the compliance account of the CAIR NO_X Ozone Season source covered by the permit.
[45CSR§40-23.2.]

b~~e~~. Except as provided in 45CSR§39-23.2, the Secretary will revise the CAIR P~~p~~ermit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30 ~~or any other applicable rule addressing permit revisions~~.
[45CSR§40-24.1]

3.1.16. **CAIR SO_2 Trading Program (Unit 1, Unit 2, Unit 3).** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix D) and the CAIR permit requirements set forth in 45CSR41 for each CAIR SO_2 source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.
[45CSR§§41-6.1.b. and 20.1.]

~~The owners and operators of each CAIR SO_2 source required to have a Title V operating permit and each CAIR SO_2 unit required to have a Title V operating permit at the source will have a CAIR permit issued by the Secretary under 45CSR§41-20 through 45CSR§41-24 for the source and operate the source and the unit in compliance with such CAIR permit. For each CAIR SO_2 source required to have a Title V operating permit, such permit must include a CAIR permit administered by the Secretary for the Title~~

~~V operating permit. The CAIR portion of the Title V operating permit will be administered in accordance with 45CSR30 and any other applicable rule, except as provided otherwise by 45CSR§41-5 and 45CSR§41-20 through 45CSR§41-24~~

~~a. Duty to apply. The CAIR designated representative of any CAIR SO_2 source required to have a Title V operating permit will submit to the Secretary a complete CAIR permit application under 45CSR§41-22 for the source covering each CAIR SO_2 unit at the source at least 18 months (or such lesser time provided by the Secretary) before the later of January 1, 2010 or the date on which the CAIR SO_2 unit commences operation.~~
~~[45CSR§41-21.1.]~~

~~b. Duty to reapply. For a CAIR SO_2 source required to have a Title V operating permit, the CAIR designated representative will submit a complete CAIR permit application under 45CSR§41-22 for the source covering each CAIR SO_2 unit at the source to renew the CAIR permit in accordance with 45CSR30.~~
~~[45CSR§41-21.2.]~~

~~c. A complete CAIR permit application will include the following elements concerning the CAIR SO_2 source for which the application is submitted, in a format prescribed by the Secretary:~~

~~c.1. Identification of the CAIR SO_2 source;~~

~~c.2. Identification of each CAIR SO_2 unit at the CAIR SO_2 source;~~

~~c.3. The standard requirements under 45CSR§41-6; and~~

~~c.4. A copy of the complete certificate of representation under 45CSR§41-13.~~

~~[45CSR§41-22.1.];~~

a~~d~~. The CAIR Permit portion of this ~~Each CAIR~~ permit is deemed to incorporate automatically the definitions of terms under 45CSR§41-2 and, upon recordation by the Administrator under 45CSR§41-51 through 45CSR§41-57, 45CSR§41-60 through 45CSR§41-62, every allocation, transfer, or deduction of a CAIR SO_2 allowance to or from the compliance account of the CAIR SO_2 source covered by the permit.
[45CSR§41-23.2.]

b~~e~~. Except as provided in 45CSR§39-23.2, the Secretary will revise the CAIR P~~p~~ermit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30 ~~or any other applicable rule addressing permit revisions~~.
[45CSR§41-24.1.]

3.2. Monitoring Requirements

3.2.1. NA

3.3. Testing Requirements

3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with 45CSR§30-6.4. or 45CSR§30-6.5 as applicable.

b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with 45CSR§30-6.4. or 45CSR§30-6.5 as applicable.

c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

[WV Code § 22-5-4(a)(15), 45CSR2, 45CSR10 and 45CSR13]

3.4. Recordkeeping Requirements

3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:

a. The date, place as defined in this permit and time of sampling or measurements;

b. The date(s) analyses were performed;

c. The company or entity that performed the analyses;

d. The analytical techniques or methods used;

e. The results of the analyses; and

f. The operating conditions existing at the time of sampling or measurement.
[45CSR§30-5.1.c.2.A.]

3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.
[45CSR§30-5.1.c.2.B.]

3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received. Such record shall contain an assessment of the validity of the complaints as well as any corrective actions taken.
[45CSR§30-5.1.c. State-Enforceable only.]

3.4.4. The permittee shall maintain records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility. The permittee shall inspect all fugitive dust control systems weekly from May 1 through September 30 and monthly (*except for fly ash, see permit condition 3.1.11.*) from October 1 through April 30, to ensure that they are operated as necessary and maintained in good working order. The permittee shall maintain records of all scheduled and non-scheduled maintenance and shall state any maintenance or corrective actions taken as a result of the weekly and/or monthly inspections, the times the fugitive dust control system(s) were inoperable and any corrective actions taken.
[45CSR13, R13-2663, 4.4.4., 45CSR§30-5.1.c.]

3.4.5. The permittee shall properly document any fugitive fly ash emissions not being minimized as discovered through the implementation of Paragraph III.2 of Consent Order CO-R2-E-2005-2 (*permit condition 3.1.11.*), and repair such problems as soon as reasonably and safely possible. The permittee at a minimum shall maintain records of all scheduled and non-scheduled maintenance or corrective actions taken as a result of the weekly inspections, the times the fugitive dust control systems were inoperable, and any corrective actions taken. The existing Facility work order system database is acceptable for demonstrating proper documentation and repair of such discoveries. Records and documentation developed as a result of this permit condition (3.4.6.) shall be maintained on-site for a minimum of five (5) years. The Company shall make a good faith effort to notify DAQ as necessary regarding fugitive emission minimization concerns. Additional documentation of corrective actions taken shall be provided by the permittee to DAQ upon the request of the Director.
[45CSR13, R13-2663, 4.4.5., Consent Order CO-R2-E-2005-2 §III.4. State-Enforceable only.]

3.5. Reporting Requirements

3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
[45CSR§§30-4.4. *and* 5.1.c.3.D.]

3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
[45CSR§30-5.1.c.3.E.]

3.5.3. All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304

Phone: 304/926-0475
FAX: 304/926-0478

If to the US EPA:

Associate Director
Office of Enforcement and Permits Review (3AP12)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
[45CSR§30-8.]

3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]

3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]

3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.

3.5.8. **Deviations.**

a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:

1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.

2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.

3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.

4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.
[45CSR§30-5.1.c.3.B.]

c. Every report submitted under this subsection shall be certified by a responsible official.
[45CSR§30.5.1.c.3.D.]

3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.
[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

3.6.1. NA

3.7. Permit Shield

3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.

3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

45CSR5	*To Prevent And Control Air Pollution From The Operation Of Coal Preparation Plants, Coal Handling Operations And Coal Refuse Disposal Areas*: Pursuant to 45CSR5, if 45CSR2 is applicable to the facility, then the facility is exempt from 45CSR5. 45CSR2 is applicable to the facility.
45CSR17	*To Prevent And Control Particulate Matter Air Pollution From Materials Handling, Preparation, Storage And Other Sources Of Fugitive Particulate Matter*: Pursuant to 45CSR17, if 45CSR2 is applicable to the facility, then the facility is exempt from 45CSR17. 45CSR2 is applicable to the facility.
40 C.F.R. 60 Subpart D	*Standards of Performance for Fossil-Fuel-Fired Steam Generators for which Construction is Commenced After August 17, 1971*: The fossil-fuel-fired steam generators potentially affected by this rule have not commenced construction or modification after August 17, 1971.
40 C.F.R. 60 Subpart Da	*Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced After September 18, 1978*: The electric utility steam generating units potentially affected by this rule have not commenced construction or modification after September 18, 1978.
40 C.F.R. 60 Subpart K	*Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 18, 1978*: The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 CFR 60.111(b)) and that have a storage capacity greater than 40,000 gallons for which construction, reconstruction or modification was commenced after June 11, 1973 and prior to May 19, 1978.
40 C.F.R. 60 Subpart Ka	*Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984:* The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 CFR 60.111a(b)) and that have a storage capacity greater than 40,000 gallons for which construction, reconstruction or modification was commenced after May 18, 1978 and prior to July 23, 1984.
40 C.F.R. 60 Subpart Kb	*Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23,1984:* Storage vessels potentially affected by this rule are exempted because they contain liquids with a maximum true vapor pressure of less than 3.5 kPa, have a storage capacity of less than 40 cubic meters, or have not commenced construction, reconstruction or modification after July 23, 1984
40 C.F.R. 60 Subpart Y	*Standards of Performance for Coal Preparation Plants*: The coal handling equipment potentially affected by this rule, except for the two crushers "CR-70E" and "CR-70W," has not been constructed or modified after October 24, 1974. The Putman Terminal coal handling equipment was constructed after October 24, 1974 but does not prepare coal by any of the processes listed in 40 CFR §60.251(a) and therefore is not defined as a "coal preparation plant."
40 C.F.R. 63 Subpart Q	*National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers*: This facility does not include industrial process cooling towers that have operated with chromium-based water treatment chemicals on or after September 8, 1994.

40 CFR 63 Subpart ZZZZ	*National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines:* The engine driven fire pumps (EDFP-Unit1, EDFP-Unit2, & EDFP-Unit3) are diesel fueled and less than 500 brake horsepower and therefore are not affected sources as defined in this subpart. They are also defined as "emergency stationary RICE" units which exempts them from this subpart.

4.0. Source-Specific Requirements [Boilers (*CS012, AM3, Aux AM1, Aux AM3*)]

4.0.1. Emergency Operating Scenarios

a. In the event of an unavoidable shortage of fuel having characteristics or specifications necessary to comply with the visible emission requirements or any emergency situation or condition creating a threat to public safety or welfare, the Secretary may grant an exemption to the otherwise applicable visible emission standards for a period not to exceed fifteen (15) days, provided that visible emissions during that period do not exceed a maximum six (6) minute average of thirty (30) percent and that a reasonable demonstration is made by the owner or operator that the weight emission requirements will not be exceeded during the exemption period.
[45CSR§2-10.1.]

b. Due to unavoidable malfunction of equipment or inadvertent fuel shortages, SO_2 emissions from the main boiler stacks (CS012 & AM3) exceeding those provided for in 45CSR§10-3.2.a. and from the auxiliary boiler stacks (Aux *AM1 & Aux AM3*) exceeding those provided for in 45CSR§10-3.2.c. may be permitted by the Secretary for periods not to exceed ten (10) days upon specific application to the Secretary. Such application shall be made within twenty-four (24) hours of the equipment malfunction or fuel shortage. In cases of major equipment failure or extended shortages of conforming fuels, additional time periods may be granted by the Secretary, provided a corrective program has been submitted by the owner or operator and approved by the Secretary.
[45CSR§10-9.1.]

4.0.2. Thermal Decomposition Of Boiler Cleaning Solutions

The thermal decomposition of boiler cleaning solutions is permitted in accordance with the WVDAQ letter dated September 3, 2002 addressed to Mr. Greg Wooten and signed by Jesse D. Adkins and subject to the DAQ notification requirements as outlined in the document titled "American Electric Power Boiler Chemical Cleaning Process Evaporation Notification Procedure." Records pertaining to the thermal decomposition of boiler cleaning solutions shall be kept on site for a period of no less than five (5) years and shall be made available, in a suitable form for inspection, to the Secretary upon request.
[WVDAQ Letter dated September 3, 2002 addressed to Mr. Greg Wooten and signed by Jesse D. Adkins - State-Enforceable only]

4.0.3. Combustion of Demineralizer Resins

The combustion of demineralizer resins is permitted in accordance with the WVDAQ letter dated January 21, 2004 addressed to Mr. Frank Blake and signed by Jesse D. Adkins and subject to the DAQ notification requirements as outlined in the document titled "American Electric Power Demineralizer Resin Burn Notification Procedure." Records pertaining to the combustion of demineralizer resins shall be kept on site for a period of no less than five (5) years and shall be made available, in a suitable form for inspection, to the Secretary upon request.
[WVDAQ Letter dated January 21, 2004 addressed to Mr. Frank Blake and signed by Jesse D. Adkins - State-Enforceable only]

4.1. Limitations and Standards

4.1.1. Any fuel burning unit(s) including associated air pollution control equipment, shall at all times, including periods of start-up, shutdowns, and malfunctions, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions.
[45CSR§2-9.2.]

4.1.2. The addition of sulfur oxides to a combustion unit exit gas stream for the purpose of improving emissions control equipment is prohibited unless written approval for such addition is provided by the Secretary.
[45CSR§2-4.4.]

Unit 1 & 2 and Unit 3 Steam Generators (*CS012, AM3*)

Visible Emissions and Particulate Matter

4.1.3. Visible Emissions from each Unit 1 & 2 stack (*CS012*) and Unit 3 stack (*AM3*) shall not exceed ten (10) percent opacity based on a six minute block average.
[45CSR§2-3.1.]

4.1.4. The visible emission standards shall apply at all times except in periods of start-ups, shutdowns and malfunctions.
[45CSR§2-9.1.]

4.1.5. The combined total particulate matter emissions from Unit 1 & 2 stack (*CS012*) and Unit 3 stack (*AM3*) shall not exceed 1200 lb/hr. The averaging time shall be a minimum of six (6) hours.
[45CSR§2-4.1.a., 45CSR2-Appendix §§ 4.1.b. & 4.1.c.]

4.1.6. The electrostatic precipitators (ESP's) and associated support appurtenances shall be maintained and properly operated to ensure optimal fugitive emission control system performance and to minimize fugitive emissions of Fly ash per the requirements of 45CSR§2.5.1.
[Consent Order CO-R2-E-2005-2 §III.1.]

Sulfur Dioxide (SO_2)

4.1.7. The combined total sulfur dioxide emissions from Unit 1 & 2 stack (*CS012*) and Unit 3 stack (*AM3*) shall not exceed 41,561.6 lb/hr.
[45CSR§§10-3.2. & 3.2.a.]

4.1.8. Compliance with the allowable sulfur dioxide emission limitations from Unit 1 & 2 and Unit 3 boilers shall be based on a continuous twenty-four (24) hour averaging time. Emissions shall not be allowed to exceed the weight emissions standards for sulfur dioxide as set forth in 45CSR10 (*permit condition 4.1.7. above*), except during one (1) continuous twenty-four (24) hour period in each calendar month. During this one (1) continuous twenty-four hour period, emissions shall not be allowed to exceed such weight emission standards by more than ten percent (10%) without causing a violation of 45CSR10. A continuous twenty-four (24) hour period is defined as one (1) calendar day.
[45CSR§10-3.8.]

Auxiliary Boilers (*Aux AM1, Aux AM3*)

Visible Emissions and Particulate Matter

4.1.9. Visible Emissions from each of the auxiliary boilers Aux 1 stack (*Aux AM1*) and Aux 3 stack (*Aux AM3*) shall not exceed ten (10) percent opacity based on a six minute block average.
[45CSR§2-3.1.]

4.1.10. The visible emission standards shall apply at all times except in periods of start-ups, shutdowns and malfunctions.
[45CSR§2-9.1.]

4.1.11. The combined total particulate matter emissions from the auxiliary boilers Aux1 stack (*Aux AM1*) and Aux3 stack (*Aux AM3*) shall not exceed 111.78 lb/hr. The averaging time shall be a minimum of six (6) hours.
[45CSR§2-4.1.b., 45CSR2-Appendix §§ 4.1.b. & 4.1.c.]

Sulfur Dioxide (SO_2)

4.1.12. The combined total sulfur dioxide emissions from Aux 1 stack (*Aux AM1*) and Aux 3 stack (*Aux AM3*) shall not exceed 1,987.2 lb/hr.
[45CSR§§10.3.2. & 3.2.c.]

4.1.13. Compliance with the allowable sulfur dioxide emission limitations from the auxiliary boilers Aux1 and Aux3 shall be based on a continuous twenty-four (24) hour averaging time. Emissions shall not be allowed to exceed the weight emissions standards for sulfur dioxide as set forth in 45CSR10 (*permit condition 4.1.12. above*), except during one (1) continuous twenty-four (24) hour period in each calendar month. During this one (1) continuous twenty-four hour period, emissions shall not be allowed to exceed such weight emission standards by more than ten percent (10%) without causing a violation of 45CSR10. A continuous twenty-four (24) hour period is defined as one (1) calendar day.
[45CSR§10-3.8.]

4.2. Monitoring Requirements

4.2.1. Compliance with the visible emission requirements for *CS012* and *AM3* shall be determined as outlined in section I.A.2. of the DAQ approved "45CSR2 Monitoring Plan" attached in Appendix B of this permit.
[45CSR§§2-3.2., 8.1.a & 8.2., 45CSR§2A-6]

4.2.2. The owner or operator shall install, calibrate, certify, operate, and maintain continuous monitoring systems that measure opacity and all SO_2, and NO_x, emissions from emission points *CS012* and *AM3* as specified in 40 C.F.R. Part 75. CO_2 emissions from emission points *CS012* and *AM3* shall be measured as specified in 40 C.F.R. Part 75.
[45CSR33, 40 C.F.R. § 75.10,]

4.2.3. Compliance with the operating and fuel usage requirements for Units 1, 2 and 3 shall be demonstrated as outlined in section I.A.3. of the DAQ approved "45CSR2 Monitoring Plan" attached in Appendix B of this permit.
[45CSR§§2-8.3.c., 8.4.a. & 8.4.a.1.]

4.2.4. Compliance with the visible emission requirements for *Aux AM1* and *Aux AM3* shall be determined as outlined in section I.B. 2. of the DAQ approved "45CSR2 Monitoring Plan" attached in Appendix B of this permit. **[45CSR§§2-3.2. & 8.2., 45CSR§2A-6]**

4.2.5. Compliance with the auxiliary boilers (*Aux AM1 & Aux AM3*) particulate matter mass emission requirements and the operating and fuel usage requirements for the auxiliary boilers, shall be demonstrated as outlined in section I.B.3. of the DAQ approved "45CSR2 Monitoring Plan" attached in Appendix B of this permit. **[45CSR§§2-8.3.c., 8.4.a. & 8.4.a.1.]**

4.3. Testing Requirements

4.3.1. The owner or operator shall conduct tests to determine compliance of Unit 1, Unit 2 and Unit 3 with the particulate matter mass emission limitation. Such tests shall be conducted in accordance with the appropriate method set forth in 45CSR2 Appendix "Compliance Test Procedures for 45CSR2" or other equivalent EPA approved method approved by the Secretary. Such tests shall be conducted in accordance with the schedule set forth in the following table. Compliance tests were performed on October 21 & 22, 2004 and resulted in mass emission rates less than 50% of the weight emission standard and a "Once/3 years" retesting frequency. The next compliance tests shall be performed between April 22, 2006 and October 22, 2007 unless the Director requires testing pursuant to 45CSR§§2-8.1.b. and/or 8.1c. Subsequent testing shall be based on the schedule below.

Test	Test Results	Retesting Frequency
Initial Baseline	≤50% of weight emission standard	Once/3 years
Initial Baseline	between 50% and 80 % of weight emission standard	Once/2 years
Initial Baseline	≥80% of weight emission standard	Annual
Annual	after three successive tests indicate mass emission rates ≤50% of weight emission standard	Once/3 years
Annual	after two successive tests indicate mass emission rates <80 % of weight emission standard	Once/2 years
Annual	any tests indicates a mass emission rate ≥80% of weight emission standard	Annual
Once/2 years	after two successive tests indicate mass emission rates ≤50% of weight emission standard	Once/3 years
Once/2 years	any tests indicates a mass emission rate <80 % of weight emission standard	Once/2 years
Once/2 years	any tests indicates a mass emission rate ≥80% of weight emission standard	Annual
Once/3 years	any tests indicates a mass emission rate ≤50% of weight emission standard	Once/3 years
Once/3 years	any test indicates mass emission rates between 50% and 80 % of weight emission standard	Once/2 years

Test	Test Results	Retesting Frequency
Once/3 years	any test indicates a mass emission rate ≥80% of weight emission standard	Annual

[45CSR§2-8.1., 45CSR§2A-5.2.]

4.4. Recordkeeping Requirements

4.4.1. Records of monitored data established in the monitoring plan (see Appendix B) shall be maintained on site and shall be made available to the Secretary or his duly authorized representative upon request.
[45CSR§2-8.3.a.]

4.4.2. Records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit, shall be maintained on-site in a manner to be established by the Secretary and made available to the Secretary or his duly authorized representative upon request.
[45CSR§2-8.3.c.]

4.5. Reporting Requirements

4.5.1. The designated representative shall electronically report SO_2, NO_x, and CO_2 emissions data and information as specified in 40 C.F.R. § 75.64 to the Administrator of USEPA, quarterly. Each electronic report must be submitted within thirty (30) days following the end of each calendar quarter.
[45CSR33, 40 C.F.R. § 75.64]

4.5.2. A periodic exception report shall be submitted to the Secretary, in a manner and at a frequency to be established by the Secretary. Compliance with this periodic exception reporting requirement shall be demonstrated as outlined in sections I.A.4~~.~~, I.B.4, and II.A.4~~.~~ of the DAQ approved "45CSR2 and 45CSR10 Monitoring Plan" attached in Appendix B ~~of this permit~~.
[45CSR§2-8.3.b. and 45CSR§10-8.3.b.]

4.5.2. Excess opacity periods resulting from any malfunction of Unit 1, Unit 2, Unit 3, Aux 1or Aux 3 or their air pollution control equipment, meeting the following conditions, may be reported on a quarterly basis unless otherwise required by the Secretary:

a. The excess opacity period does not exceed thirty (30) minutes within any twenty-four (24) hour period; and

b. Excess opacity does not exceed forty percent (40%).

[45CSR§2-9.3.a.]

4.5.3. Except as provided in permit condition 4.5.3. above, the owner or operator shall report to the Secretary by telephone, telefax, or e-mail any malfunction of Unit 1, Unit 2, Unit 3, Aux 1or Aux 3 or their associated air pollution control equipment, which results in any excess particulate matter or excess opacity, by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Secretary within thirty (30) days providing the following information:

a. A detailed explanation of the factors involved or causes of the malfunction;

b. The date, and time of duration (with starting and ending times) of the period of excess emissions;

c. An estimate of the mass of excess emissions discharged during the malfunction period;

d. The maximum opacity measured or observed during the malfunction;

e. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and

f. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

[45CSR§2-9.3.b.]

Acid Rain Program

4.5.4. Unit 1, Unit 2 and Unit 3 are Phase II Acid Rain affected units under 45CSR33, as defined by 40 C.F.R § 72.6, and as such are required to meet the requirements of 40 C.F.R. Parts 72, 73, 74, 75, 76, 77 and 78. These requirements include, but are not limited to:

a. Hold an Acid Rain permit (Acid Rain Permit is included in Appendix C);

b. Hold allowances, as of the allowance transfer deadline, in the unit's compliance sub-account of not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit;

c. Comply with the applicable Acid Rain emissions for sulfur dioxide;

d. Comply with the applicable Acid Rain emissions for nitrogen oxides;

e. Comply with the monitoring requirements of 40 C.F.R. Part 75 and section 407 of the Clean Air Act of 1990 and regulations implementing section 407 of the Act;

f. Submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 C.F.R. Part 72, Subpart I and 40 C.F.R. Part 75.

[45CSR33, 40 C.F.R. Parts 72, 73, 74, 75, 76, 77, 78.]

4.6. Compliance Plan

4.6.1. NA

5.0. Source-Specific Requirements [Coal & Ash Handling (Emission points listed in the coal or ash handling sections of the Emission Units Table of Permit Section 1.0)]

5.1. Limitations and Standards

5.1.1. The Coal and Ash handling systems are subject to 45CSR§2-5 as outlined in the facility wide section of this permit (condition 3.1.11) regarding fugitive dust control systems.

5.1.2. At all times except during periods of startup, shutdown and malfunction, visible emissions from the coal processing equipment (*Coal Crushers CR-70E & CR-70W*) shall not exceed twenty (20) percent opacity.
[45CSR16, 40 C.F.R. § 60.11(c), 40 C.F.R. § 60.252(c)]

5.1.3. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility (*Coal Crushers CR-70E & 70W*) including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination that acceptable operating and maintenance procedures are being used, will be based on information available to the Secretary which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
[45CSR16, 40 C.F.R. § 60.11(d)]

5.1.4. The coal loading facility (Putnam Terminal) shall not exceed 4 million tons throughput in any 12 month period and shall not exceed 400,000 tons of emergency storage in any 12 month period.
[45CSR13, Permit No. R13-480 - Special Conditions]

5.1.5. Emissions from the baghouses covered by R13-2663A shall not exceed the following:

Source	PM		PM_{10}	
	lb/hr	tpy	lb/hr	tpy
Limestone Processing System				
Baghouses	0.33	0.37	0.16	0.18
Dry SO_3 Sorbent Handling System				
Baghouses	0.19	0.02	0.09	0.01
Wastewater Treatment Handling System				
Baghouse	0.01	0.01	0.04	0.01

[45CSR13, R13-2663, 4.1.1.]

5.1.6. The amount of limestone unloaded from barges (conveyor LS1) shall not exceed 1500 tons per hour nor 1,125,000 tons per year based on a 12 month rolling total. For the purposes of this permit a 12 month rolling total means the sum of material throughput at the end of any given month for the previous 12 months.
[45CSR13, R13-2663, 4.1.2. (LS1)]

5.1.7. The amount of limestone processed at the facility (conveyors LS2-A and LS2-B combined) shall not exceed 1000 tons per hour nor 1,125,000 tons per year based on a 12 month rolling total.
[45CSR13, R13-2663, 4.1.3. (LS2-A and LS2-B)]

5.1.8. The amount of gypsum trucked to the landfill shall not exceed 600 tons per hour nor 1,750,000 tons per year based on a 12 month rolling total.
[45CSR13, R13-2663, 4.1.4.]

5.1.9. The amount of magnesium hydroxide used at the facility shall not exceed 22,703,000 gallons per year based on a 12 month rolling total..
[45CSR13, R13-2663, 4.1.5.]

5.1.10. The amount of Dry SO_3 sorbent used at the facility shall not exceed 96,200 tons per year based on a 12 month rolling total if Trona is used.
[45CSR13, R13-2663, 4.1.6.]

5.1.11. The amount of Dry SO_3 sorbent used at the facility shall not exceed 62,400 tons per year based on a 12 month rolling total if hydrated lime is used.
[45CSR13, R13-2663, 4.1.7.]

5.1.12. The amount of hydrated lime delivered to the facility for use in wastewater treatment shall not exceed 6,840 tons per year based on a 12 month rolling total.
[45CSR13, R13-2663, 4.1.8.]

5.1.13. The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The spraybar shall be equipped with spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated.

The pump delivering the water shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

Additionally, at least twice per year the permittee shall apply a mixture of water and an environmentally acceptable dust control additive hereafter referred to as solution to all unpaved haul roads. The solution shall have a concentration of dust control additive sufficient to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads.

For paved haulroads, the use of a wet road sweeper is an acceptable alternative to a water truck as long as it is operated in such a manner as to assure minimization of the atmospheric entrainment of fugitive particulate emissions.

[45CSR13, R13-2663, 4.1.10.]

5.1.14. Operation and Maintenance of Air Pollution Control Equipment. The permittee shall, to the extent practicable, install, maintain, and operate the pollution control equipment (wet extraction system-WES, filter separators-FS, bin vent filters-BVF, telescopic chute-TC, fabric filters, and vent filters-VF) and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR§13-5.11., 45CSR13, R13-2663, 4.1.11.]

5.1.15. The maximum amount of fly ash handled by the Unit 3 fly ash handling system shall not exceed 600,000 tons (dry weight) per year (actual weight 690,000-780.000 tons per year based on 15%-30% moisture). Compliance with the throughput limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the fly ash transferred for the previous twelve consecutive calendar months.
[45CSR13, R13-2663, 4.1.12.]

5.1.16. Emissions from the facility under normal operation (transfer of the fly ash by slurry) shall not exceed the following:

	PM		PM_{10}	
	lb/hr	tpy	lb/hr	tpy
Emissions from 3E	0.97	4.23	0.97	4.23
EP-1	0.24	1.04	0.24	1.04
EP-2	0.24	1.04	0.24	1.04
EP-3	0.01	0.06	0.01	0.06
EP-4	0.01	0.06	0.01	0.06
EP-6	0.01	0.06	0.01	0.06
EP-7	0.01	0.06	0.01	0.06
EP-9	0.07	0.29	0.07	0.29
Slurry Fugitives	3.21	3.38	0.99	1.08
Total	4.77	10.22	2.55	7.92

[45CSR13, R13-2663, 4.1.15.]

5.1.17. Emissions from the facility under worst case operation (transfer of the fly ash by truck) shall not exceed the following:

	PM		PM_{10}	
	lb/hr	tpy	lb/hr	tpy
Emissions from 3E	0.97	4.23	0.97	4.23
EP-1	0.24	1.04	0.24	1.04
EP-2	0.24	1.04	0.24	1.04
EP-5	0.01	0.06	0.01	0.06
EP-8	0.01	0.06	0.01	0.06
Trucking Fugitives	36.80	16.01	10.75	4.80
Total	38.27	22.44	12.22	11.23

[45CSR13, R13-2663, 4.1.16.]

5.2. Monitoring Requirements

5.2.1. See Permit condition 3.4.4. for compliance demonstration regarding fugitive dust control systems.

5.2.2. For determination of compliance with the throughputs of the Putnam Terminal coal loading facility:

a. Readings from the weigh conveyor scale leading to station B shall be taken at least once per operating day to determine the total throughput of the coal loading facility.

b. When no coal is being fed from the surge silo and coal is being reclaimed from the emergency storage pile, readings from the weigh conveyor scale between station B and the barge loader shall be taken at least once per operating day and used to determine the throughput from the emergency pile.

c. If coal is flowing from both the surge silo and the emergency storage pile, the coal flowing from the emergency storage pile shall be calculated as a difference between the flow to the surge silo and to the

barge loader. Readings shall be taken at least once per operating day and when the diversion gate at the bottom of station B is moved.

The individual throughputs shall be totalized on a monthly basis and maintained on site for a period of at least five (5) years.
[45CSR13 Permit No. R13-480 - Special Conditions, 45CSR§30.5.1]

5.2.3. For the purposes of determining compliance with Section 5.1.6, the permittee shall maintain monthly records of the amount of limestone unloaded from barges. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-2663, 4.2.1.]

5.2.4. For the purposes of determining compliance with Section 5.1.7, the permittee shall maintain monthly records of the amount of limestone processed at the facility. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-2663, 4.2.2.]

5.2.5. For the purposes of determining compliance with Section 5.1.8, the permittee shall maintain monthly records of the amount of gypsum trucked to the landfill. At the permittee's discretion the permittee may use records from belt scales located on belts G2 and G1B as a surrogate for records of actual material trucked to the landfill. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-2663, 4.2.3.]

5.2.6. For the purposes of determining compliance with Section 5.1.9, the permittee shall maintain monthly records of the amount of magnesium hydroxide used at the facility. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-2663, 4.2.4.]

5.2.7. For the purposes of determining compliance with Section 5.1.10, the permittee shall maintain monthly records of the amount of Trona used as dry SO_3 sorbent at the facility. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-2663, 4.2.5.]

5.2.8. For the purposes of determining compliance with Section 5.1.11, the permittee shall maintain monthly records of the amount of hydrated lime used at the facility as dry SO_3 Sorbent. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-2663, 4.2.6.]

5.2.9. For the purposes of determining compliance with Section 5.1.12, the permittee shall maintain monthly records of the amount of hydrated lime used at the facility for wastewater treatment. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-2663, 4.2.7.]

5.2.10. For the purposes of determining compliance with Section 5.1.13, the permittee shall maintain records of the amount of dust control additive used at the facility and the dates the solution was applied. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-2663, 4.2.8.]

5.2.11. For the purposes of determining compliance with the maximum throughput limit set forth in Section 5.1.15, the facility shall maintain monthly (and calculated rolling yearly total) records of the amount of fly ash handled by the Unit 3 fly ash system.
[45CSR13, R13-2663, 4.2.9.]

5.3. Testing Requirements

5.3.1. The coal crushers "CR-70E" and "CR-70W" (i.e. the building openings to atmosphere) shall be observed visually by an individual trained per Method 22 at least each calendar month during periods of normal facility operation for a sufficient time interval to determine if any visible emissions are present; the individual is not required to be a certified visible emissions observer. If visible emissions are observed during these monthly observations, or at any other time during normal operating conditions, a second observation by an individual trained per Method 22 shall be conducted within 24 hours or as soon as practicable during periods of normal facility operation for a sufficient time interval to determine if the visible emissions still exist. If visible emissions are observed during the second observation, a Method 9 test (requires a certified observer) shall be conducted within 24 hours or as soon as practicable during periods of normal facility operation, and at least once every week thereafter. If any of the Method 9 tests indicate opacity less than 80% of the allowable visible emission requirement for the crushers, the weekly Method 9 tests will not be required.
[45CSR§30-5.1.c.]

5.4. Recordkeeping Requirements

5.4.1. A record of each visible emissions observation and/or test shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 9, if appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. Records shall state any maintenance or corrective actions taken as a result of the monthly visible emission observations and/or Method 9 visible emission tests, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.
[45CSR§30-5.1.c.]

5.4.2. Record of Monitoring. The permittee shall keep records of monitoring information that include the following:

a. The date, place as defined in this permit and time of sampling or measurements;

b. The date(s) analyses were performed;

c. The company or entity that performed the analyses;

d. The analytical techniques or methods used;

e. The results of the analyses; and

f. The operating conditions existing at the time of sampling or measurement.

[45CSR13, R13-2663, 4.4.1.]

5.4.3. Record of Maintenance of Air Pollution Control Equipment. For all pollution control equipment (wet extraction system-WES, filter separators-FS, bin vent filters-BVF, telescopic chute-TC, fabric filters, and vent filters-VF), the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
[45CSR13, R13-2663, 4.4.2.]

5.4.4. Record of Malfunctions of Air Pollution Control Equipment. For all air pollution control equipment (wet extraction system-WES, filter separators-FS, bin vent filters-BVF, telescopic chute-TC, fabric filters, and vent filters-VF), the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

[45CSR13, R13-2663, 4.4.3.]

5.5. Reporting Requirements

5.5.1. N/A

5.6. Compliance Plan

5.6.1. N/A

APPENDIX A

Reserved

~~**NOx Budget Permit Application**~~

APPENDIX B

45CSR2 & 45CSR10 Monitoring Plan

45 CSR 2 and 45 CSR 10
Monitoring and Recordkeeping Plan

John E. Amos Plant

Facility Information:

Facility Name: John E. Amos Plant

Facility Address: P.O. Box 4000
State Route 35
St. Albans, WV 25177

Facility Environmental Contact: ~~**T. W. Worstell**~~Mr. J. P. Webster

A. Facility Description:

John E. Amos (i.e. Amos) Plant is a coal-fired electric generating facility with three main combustion units. Units 1 and 2 discharge through a common stack ~~(CS012) and~~shell utilizing two separate stack discharge flues. Unit 3 discharges through a separate main stack ~~(AM3).~~utilizing a single discharge flue. Amos plant also has two auxiliary boilers. Auxiliary boiler 1 discharges through an independent auxiliary stack (aux 1.) Auxiliary boiler 3 discharges through an independent auxiliary stack (aux. 3.) Units 1, 2 and 3, and Aux. Boilers 1 and 3 each have design heat inputs greater than 10 mmBTU/hr making both 45 CSR 2A (Interpretive Rule for 45 CSR 2) and 4 CSR 10A (Interpretive Rule for 45 CSR 10) applicable to these sources.

I. 45 CSR 2 Monitoring Plan:

In accordance with Section 8.2.a of 45 CSR 2, following is the proposed plan for monitoring compliance with opacity limits found in Section 3 of that rule:

A. Main Stacks (~~CS012 and AM3~~1E, 2E, 3E)

1. Applicable Standard:

45 CSR 2, §3.1.

No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.

2. Monitoring Method(s):

45 CSR 2, §8.2.a.1.

Direct measurement with a certified continuous opacity monitoring system (COMS) shall be deemed to satisfy the requirements for a monitoring plan. Such COMS shall be installed, calibrated, operated and maintained as specified in 40 CFR Part 60, Appendix B, Performance Specification 1 (PS1). COMS meeting the requirements of 40 CFR Part 75 (Acid Rain) will be deemed to have satisfied the requirements of PS1.

a. Primary Monitoring Method: ~~The~~While a Continuous Opacity Monitoring System (COMS) would not be required on a wet scrubbed fuel burning unit, Amos Plant has chosen to use COMS on each of the fuel burning units upstream of the wet scrubbers and located in plant ductwork. As such, the primary method of monitoring opacity at Amos Plant will be Continuous Opacity Monitors (COMS). The COMS are installed, maintained and operated in compliance with requirements of 40 CFR Part 75.

b. Other Credible Monitoring Method(s): While Amos Plant will use COMS as the primary method of monitoring opacity ~~on stacks CS012 and AM3~~of the fuel burning units, we are also reserving the right to use Method 9 readings or any other appropriate method that would produce credible data. These "other monitoring methods" will generally be used in the absence of COMS data or as other credible evidence used in conjunction with COMS data.

3. Recordkeeping:

a. **Operating Schedule and Quality/Quantity of Fuel Burned**

45 CSR 2A §7.1.a.

The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule, and the quality and quantity of fuel burned in each fuel burning unit as specified in paragraphs 7.1.a.1 through 7.1.a.6, as applicable.

The applicable paragraphs for Amos Plant are the following:

§7.1.a.2: *For fuel burning unit(s) which burn only distillate oil, such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a monthly basis and a BTU analysis for each shipment.*

§7.1.a.4: *For fuel burning unit(s) which burn only coal, such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a daily basis and an ash and BTU analysis for each shipment.*

§7.1.a.6: *For fuel burning unit(s) which burn a combination of fuels, the owner or operator shall comply with the applicable Recordkeeping requirements of paragraph 7.1.a.1 through 7.1.a.5 for each fuel burned.*

The date and time of each startup and shutdown of Units 1, 2 and 3 will be maintained. The quantity of coal burned on a daily basis as well as the ash and Btu content will also be maintained. From a fuel oil perspective, the quantity of fuel oil burned on a monthly basis, as well as the Btu content will be maintained. The fuel oil analysis will generally be one that is provided by the supplier for a given shipment but in some cases, we may use independent sampling and analyses. The quantity of fuel oil burned on a monthly basis may be maintained on a facility wide basis.

b. **Record Maintenance**

45 CSR 2A §7.1.b.

Records of all required monitoring data and support information shall be maintained on-site for a period of at least five (5) years from the date of monitoring, sampling, measurement or reporting. Support information includes all calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, and copies of all required reports.

Records of all required monitoring data and support information will be maintained on-site for at least five (5) years. Support information includes all calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, and copies of all required reports.

4. Exception Reporting:

a. **Particulate Mass Emissions:**

45 CSR 2A, §7.2.a.

With respect to excursions associated with measured emissions under Section 4 of 45CSR2, compliance with the reporting and testing requirements under the Appendix to 45CSR2 shall fulfill the requirement for a periodic exception report under subdivision 8.3.b. or 45CSR2.

Amos Plant will comply with the reporting and testing requirements specified under the Appendix to 45 CSR 2.

b. **Opacity:**

45 CSR 2A, §7.2.b.

COMS – In accordance with the provisions of this subdivision, each owner or operator employing COMS as the method of monitoring compliance with opacity limits shall submit a "COMS Summary Report" and/or an "Excursion and

COMS Monitoring System Performance Report" to the Director on a quarterly basis; the Director may, on a case-by-case basis, require more frequent reporting if the Director deems it necessary to accurately assess the compliance status of the fuel burning unit(s). All reports shall be postmarked by the thirtieth (30th) day following the end of each calendar quarter. The COMS Summary Report shall contain the information and be in the format shown in Appendix B unless otherwise specified by the Director.

45 CSR 2A, §7.2.b.1.

If the total duration of excursions for the reporting period is less than one percent (1%) of the total operating time for the reporting period and monitoring system downtime for the reporting period is less than five percent (5%) of the total operating time for the reporting period, the COMS Summary Report shall be submitted to the Director; the Excursion and COMS Monitoring System Performance report shall be maintained on-site and shall be submitted to the Director upon request.

45 CSR 2A, §7.2.b.2.

If the total duration of excursions for the reporting period is one percent (1%) or greater of the total operating time for the reporting period or the total monitoring system downtime for the reporting period is five percent (5%) or greater of the total operating time for the reporting period, the COMS Summary Report and the Excursion and COMS Monitoring System Performance Report shall both be submitted to the Director.

45 CSR 2A, §7.2.b.3.

The Excursion and COMS Monitoring System Performance Report shall be in a format approved by the Director and shall include, but not be limited to, the following information:

45 CSR 2A, §7.2.b.3.A.

The magnitude of each excursion, and the date and time, including starting and ending times, of each excursion.

45 CSR 2A, §7.2.b.3.B.

Specific identification of each excursion that occurs during start-ups, shutdowns, and malfunctions of the facility.

45 CSR 2A, §7.2.b.3.C.

The nature and cause of any excursion (if known), and the corrective action taken and preventative measures adopted (if any).

45 CSR 2A, §7.2.b.3.D.

The date and time identifying each period during which quality- controlled monitoring data was unavailable, except for zero and span checks, and the

reason for data unavailability and the nature of the repairs or adjustments to the monitoring system.

45 CSR 2A, §7.2.b.3.E.

When no excursions have occurred or there were no periods of quality-controlled data unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report.

Attached, as Appendices A and B are sample copies of the COMS "Summary Report" and "Excess opacity and COM downtime report" that we plan on using to fulfill the opacity reporting requirements. The COMS "Summary Report" will satisfy the conditions under 45 CSR 2A, §7.2.b for the "COMS Summary Report" and will be submitted to the Director according to its requirements. The "Excess opacity and COM downtime report" satisfies the conditions under 45 CSR 2A, §7.2.b.3. for the "Excursion and COMS Monitoring System Performance Report". The "Excess opacity and COM downtime report" shall be submitted to the Director following the conditions outlined in 45 CSR 2A, §7.2.b.1. and §7.2.b.2.

To the extent that an excursion is due to a malfunction, the reporting requirements in section 9 of 45CSR2 shall be followed – 45 CSR 2A, §7.2.d.

B. <u>Aux. Stacks (aux 1 and aux 3)</u>

1. Applicable Standard:

45 CSR 2, §3.1.

No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.

2. Monitoring Method:

45 CSR 2, §8.2.a.1.

Direct measurement with a certified continuous opacity monitoring system (COMS) shall be deemed to satisfy the requirements for a monitoring plan. Such COMS shall be installed, calibrated, operated and maintained as specified in 40 CFR Part 60, Appendix B, Performance Specification 1 (PS1). COMS meeting the requirements of 40 CFR Part 75 (Acid Rain) will be deemed to have satisfied the requirements of PS1.

45 CSR 2, §8.4.a.

The owner or operator of a fuel burning unit(s) may petition for alternatives to testing, monitoring, and reporting requirements prescribed pursuant to this rule for conditions, including, but not limited to, the following:

45 CSR 2, §8.4.a.1.

Infrequent use of a fuel burning unit(s)

Pursuant to 45 CSR 2, Section 8.4.a and 8.4.a.1, Amos Plant ~~is petitioning~~previously petitioned the Office of Air Quality (OAQ) Chief for alternative testing, monitoring, and reporting requirements for the auxiliary boilers and associated stacks. ~~The basis for the "infrequent operation" petition is found in the quantity of fuel used during the past 2 years. During 1999, Amos Plant aux boiler 1 combusted 121,588 gallons of No. 2 fuel oil. Based on an average heat content of 139,732 Btu/gallon and a nominal design heat input for auxiliary boiler 1 of 642 mmBtu/hour, the approximate operating hours for aux. boiler 1 in 1999 can be calculated as 26.5 hours (i.e. less than 1% of the available hours during the year). While the actual hourly heat input would naturally be less than the nominal design heat input considering that the boiler is ramped up and back down during a typical operating cycle, this calculation should be sufficient to show that the approximate boiler is operated infrequently. During 2000, Amos Plant auxiliary boiler 1 combusted 132,941 gallons of No. 2 fuel oil. Based on an average heat content of 139,491 Btu/gallon and a nominal design heat input for auxiliary boiler 1 of 642 mmBtu/hour, the approximate operating hours for aux. boiler 1 in 2000 can be calculated as 28.9 hours.~~ Based on limited operating hours, the requirement for COMS installation per Section 6.2.a of interpretive rule 45 CSR 2A was determined to be overly-burdensome and sufficient reason for the granting of alternative monitoring methods. The alternative monitoring method based on USEPA Method 9 visible emission readings is described below.

~~During 1999, Amos Plant aux boiler 3 combusted 573,316 gallons of No. 2 fuel oil. Based on~~Primary Monitoring Method: As an ~~average heat content of 139,747 Btu/gallon and a nominal design heat input for auxiliary boiler 3 of 600 mmBtu/hour, the approximate operating hours for aux. boiler 3 in 1999 can be calculated as 133.5 hours (i.e. less than 3% of the available hours during the year). While the actual hourly heat input would naturally be less than the nominal design heat input considering that the boiler is ramped up and back down during a typical operating cycle, this calculation should be sufficient~~ alternative to ~~show that the approximate boiler is operated infrequently. During 2000, Amos Plant auxiliary boiler 3 combusted 1,125,696 gallons of No. 2 fuel oil. Based on an average heat content of 139,748 Btu/gallon and a nominal design heat input for auxiliary boiler 3 of 600 mmBtu/hour, the approximate operating hours for aux. boiler 3 in 2000 can be calculated as 262.2 hours.~~

~~Based on the limited operating hours for auxiliary boiler 1 and 3, we believe that the requirement for~~ COMS ~~installation per Section 6.2.a of interpretive rule 45 CSR 2A is overly burdensome and sufficient reason for the granting of alternative~~ monitoring ~~methods. A more appropriate monitoring method based on USEPA Method 9 visible emission readings is offered below.~~

- ~~Primary Monitoring Method: Amos Plant is proposing, as an alternative to COMS monitoring, that,~~ a Method 9 reading will be conducted one time per month provided the following conditions are met: 1) The auxiliary boiler has operated at normal, stable load conditions for at least 24 consecutive hours and 2) weather/lighting conditions are conducive to taking proper Method 9 readings. ~~With~~Because the Amos auxiliary boilers ~~being sans~~do not utilize post-combustion particulate emissions controls, operating parameters of control equipment are nonexistent and are therefore unable to be monitored.

3. Recordkeeping:

a. **Operating Schedule and Quality/Quantity of Fuel Burned**

45 CSR 2A §7.1.a.

The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule, and the quality and quantity of fuel burned in each fuel burning unit as specified in paragraphs 7.1.a.1 through 7.1.a.6, as applicable.

The applicable paragraph for the Amos Plant auxiliary boilers follows:

§7.1.a.2: *For fuel burning unit(s) which burn only distillate oil, such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a monthly basis and a BTU analysis for each shipment.*

As such, the date and time of each startup and shutdown for each auxiliary boiler will be maintained. The quantity of fuel oil burned on a monthly basis, as well as the Btu content will be maintained. The fuel oil analysis will generally be one that is provided by the supplier for a given shipment but in some cases, we may use independent sampling and analyses. The quantity of fuel oil burned on a monthly basis may be maintained on a facility wide basis.

b. **Record Maintenance**

45 CSR 2A §7.1.b.

Records of all required monitoring data and support information shall be maintained on-site for a period of at least five (5) years from the date of monitoring, sampling, measurement or reporting. Support information includes all calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, and copies of all required reports.

Records of all required monitoring data and support information will be maintained on-site for at least five (5) years. In the case of the auxiliary boilers, strip chart recordings, etc are generally not available.

4. Exception Reporting:

Pursuant to 45 CSR 2, Section 8.4.a and 8.4.a.1, Amos Plant ~~is petitioning~~previously petitioned the Office of Air Quality (OAQ) Chief for alternative testing, monitoring, and reporting requirements for the auxiliary boilers and associated stacks. ~~The basis for the "infrequent operation" petition is found in the quantity of fuel used during the past 2 years as detailed earlier in this plan.~~

a. **Particulate Mass Emissions** – As an alternative to the testing and exception reporting requirements for particulate mass emissions from the auxiliary boiler, ~~we are proposing~~ the following~~.~~ was previously proposed and approved. Based on an average heat content of approximately 139,491 Btu/gallon (calendar year 2000 data for Aux. 1) and 139,748 Btu/gallon (calendar year 2000 data for Aux. 3) and an AP-42 based particulate mass emissions emission factor of 2 lbs/thousand gallons, the calculated particulate mass emissions of the auxiliary boilers are 0.01 lb/mmBtu. As such, the fuel analysis records maintained under the fuel quality analysis and recordkeeping section of this plan provide sufficient evidence of compliance with the particulate mass emission limit. For the purpose of meeting exception reporting requirements, any fuel oil analysis indicating a heat content of less than 25,000 Btu per gallon will be reported to the OAQ to fulfill the requirement for a periodic exception report under subdivision 8.3.b. or 45 CSR 2 – 45 CSR 2A, §7.2.a. A heat content of 25,000 Btu/gal and a particulate emissions factor of 2 lbs/thousand gallons would result in ~~a~~ calculated particulate mass emissions of approximately 90% of the applicable 45 CSR 2 standard.

b. **Opacity** – As an alternative to the exception reporting requirements for opacity emissions from the auxiliary boilers, ~~we are proposing~~ the following~~.~~ was previously proposed and approved. We will maintain a copy of each properly conducted (correct weather/lighting conditions, etc.) Method 9 evaluation performed. Any properly conducted Method 9 test which indicates an exceedance shall be submitted to the OAQ on a quarterly basis (within 30 days of the end of the quarter) along with an accompanying description of the excursion cause, any corrective action taken, and the beginning and ending times for the excursion.

To the extent that an excursion is due to a malfunction, the reporting requirements in section 9 of 45CSR2 shall be followed – 45 CSR 2A, §7.2.d.

If no exceptions have occurred during the quarter, then a report will be submitted to the OAQ stating so. This report will identify periods in which no method 9 tests were conducted (e.g. unit out of service) or when no fuel oil was received.

II. 45 CSR 10 Monitoring Plan:

In accordance with Section 8.2.c of 45 CSR 10, following is the proposed plan for monitoring compliance with the sulfur dioxide weight emission standards expressed in Section 3 of that rule:

A. Main Stacks ~~(CS012 and AM3)~~

1. Applicable Standard:

45 CSR 10, §3.2.a.

For fuel burning units of the John Amos Plant of Appalachian Power Company, located in Air Quality Control Region IV, the product of 1.6 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour.

45 CSR 10, §3.8.

Compliance with the allowable sulfur dioxide emission limitations from fuel burning units shall be based on continuous twenty-four (24) hour averaging time…A continuous twenty-four (24) hour period is defined as one (1) calendar day.

A new SO_2 limit will be effectively established as a result of the installation of the flue gas desulfurization system/new stack configuration and the subsequent NAAQS compliance demonstration modeling. Because the new SO_2 limit is more stringent than the current limit expressed in 45 CSR 10, Appalachian Power Company is believes that compliance with the limits should be streamlined such that compliance with the new limit is sufficient to deem compliance with the existing 45 CSR 10 limit.

Appalachian Power Company believes that the new limit should be described as follows: "Sulfur Dioxide emissions from the Unit 1 (1E), Unit 2 (2E) and Unit 3 (3E) flue gas stacks shall not exceed a heat input weighted average of 1.0 lbs SO_2/mmBTU on a 3-hour block average basis, with SO_2 emissions not to exceed an average of 29,428 lbs SO_2/hr, also on a 3-hour block average basis. Compliance with this limitation will assure compliance with the 45 CSR 10 limitation of 1.6 lb SO_2/mmBTU."

2. Monitoring Method:

45 CSR 10, §8.2.c.1.

The installation, operation and maintenance of a continuous monitoring system meeting the requirements 40 CFR Part 60, Appendix B, Performance Specification 2 (PS2) or Performance Specification 7 (PS7) shall be deemed to fulfill the requirements of a monitoring plan for a fuel burning unit(s), manufacturing process source(s) or combustion source(s). CEMS meeting the requirements of 40 CFR Part

75 (Acid Rain) will be deemed to have satisfied the requirements of PS2.

a. Primary Monitoring Method: The primary method of monitoring SO_2 mass emissions from ~~CS012~~the two new stacks (one stack with dual flues and ~~AM3~~the other with a single flue) will be Continuous Emissions Monitors (CEMS). Data used in evaluating the performance of the Amos Units with the applicable standard will be unbiased, unsubstituted data as specified in definition 45 CSR 10A, §6.1.b.1. ~~We are proposing that data~~Data capture of more than 50% ~~constitute~~constitutes sufficient data for the daily mass emissions to be considered valid. The CEMS are installed, maintained and operated in compliance with requirements of 40 CFR Part 75. Because ~~Units 1 and 2~~ each of the three generating units discharge through ~~a common stack (CS012) and Unit 3 discharges through a~~ separate ~~stack~~flues and all three are "Type a" fuel burning units as defined in 45 CSR 10, the plant wide limit is calculated by summing the ~~two stack~~ limits for the three flues.

b. Other Credible Monitoring Method(s): While Amos Plant will use CEMS as the primary method of monitoring SO_2 mass emissions ~~of stacks CS012 and AM3~~from the three flues, we are also reserving the right to use ~~ASTM compliant fuel sampling and analysis or any~~ other appropriate ~~method~~methods that would produce credible data. These "other monitoring methods" will generally be used in the absence of CEMS data or as other credible evidence used in conjunction with CEMS data.

3. Recordkeeping:

a. **Operating Schedule and Quality/Quantity of Fuel Burned:**

45 CSR 10A, §7.1.a.

Fuel burning units - The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule and the quality or quantity of fuel burned in each unit…

45 CSR 10A, §7.1.c.

The owner or operator of a fuel burning unit or combustion source which utilizes CEMS shall be exempt from the provisions of subdivision 7.1.a. or 7.1.b, respectively.

As such, Amos plant will not maintain records of the operating schedule and the quality and quantity of fuel burned in each unit for purposes of meeting the requirements for a monitoring plan under 45 CSR 10. While fuel sampling and analysis may continue to be performed at this facility, it is done so at the discretion of the owner/operator and is not required by this monitoring plan for the purposes of indicating compliance with SO_2 standards.

b. **Record Maintenance**

45 CSR 10A, §7.1.d.

For fuel burning units, manufacturing process sources, and combustion sources, records of all required monitoring data as established in an approved monitoring plan and support information shall be maintained on-site for a period of at least five (5) years from the date of monitoring, sampling, measurement or reporting. Support information includes all calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, and copies of all required reports.

As such, CEMS records at Amos Plant will be maintained for at least five years.

4. Exception Reporting:

45 CSR 10A, §7.2.a.

CEMS - Each owner or operator employing CEMS for an approved monitoring plan, shall submit a "CEMS Summary Report" and/or a "CEMS Excursion and Monitoring System Performance Report" to the Director quarterly; the Director may, on a case-by-case basis, require more frequent reporting if the Director deems it necessary to accurately assess the compliance status of the source. All reports shall be postmarked no later than forty-five (45) days following the end of each calendar quarter. The CEMS Summary Report shall contain the information and be in the format shown in Appendix A unless otherwise specified by the Director.

45 CSR 10A, §7.2.a.1.

Submittal of 40 CFR Part 75 data in electronic data (EDR) format to the Director shall be deemed to satisfy the requirements of subdivision 7.2.a.

As such, Amos Plant will submit the 40 CFR 75 quarterly electronic data reports (EDRs) to the OAQ to meet the requirements for a CEMS Summary Report and the CEMS Excursion and Monitoring System Performance Report. The EDR reports will be submitted to the OAQ no later than 45 days following the end of the quarter.

When no excursions of the 24-hour SO_2 standard have occurred, such information shall be stated in the cover letter of the EDR submittal.

B. Aux. Stacks (aux 1 and aux 3)

1. Applicable Standard:

45 CSR 10, §3.1.e.

For type 'b' and Type 'c' fuel burning units, the product of 1.6 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour.

45 CSR 10, §3.8.

Compliance with the allowable sulfur dioxide emission limitations from fuel burning units shall be based on continuous twenty-four (24) hour averaging time…A continuous twenty-four (24) hour period is defined as one (1) calendar day.

2. Monitoring, Recordkeeping, Exception Reporting Requirements:

45 CSR 10, §10.3.

The owner or operator of a fuel burning unit(s) which combusts natural gas, wood or distillate oil, alone or in combination, shall be exempt from the requirements of section 8.

As such, the Amos Plant auxiliary boilers (auxiliary stacks) are exempt from Testing, Monitoring, Recordkeeping, and Reporting requirements found in 45 CSR 10, Section 8 because the fuel burning source combusts only distillate oil. 45 CSR 10, Section 8 also contains the requirement for the development of a monitoring plan. The simple nature of burning distillate oil results in an SO_2 emission rate well below the standard.

While fuel sampling and analysis may continue to be performed at this facility, it is done so at the discretion of the owner/operator and is not required by this monitoring plan for the purposes of indicating compliance with SO_2 standards.

Revisions of Monitoring Plan:

Amos Plant reserves the right to periodically revise the conditions of this monitoring plan. Any revised plan will become effective only after approval by the OAQ.

Implementation of Monitoring Plan:

~~Upon approval of this monitoring plan or any subsequent revisions to the plan, it is certain that a period of time will be necessary to implement new testing, monitoring, recordkeeping or reporting commitments. While some of the commitments will be implemented immediately, others may require a significant amount of implementation work (including training of personnel) that will not necessarily be undertaken until the plan has been approved by OAQ. The reason for delaying such implementation is so that the facility can be assured that the implementation work is not being spent on a commitment that will not be approved by the OAQ. Amos plant is proposing that the requirements under this initial monitoring plan be implemented during a period of 3 months (at a minimum) after approval by OAQ with the actual effective date coinciding with the start of a quarterly reporting period. However, if the final monitoring plan requires significant equipment revisions or installation of new equipment, more time may~~

~~be required. In any case, we ask that the OAQ work with the Amos facility to reach a workable implementation date. Likewise, Amos Plant and AEP are committed to working with the OAQ on a successful implementation.~~

Implementation of this revised monitoring plan will occur concurrently with the installation and operation of the new stacks for Units 1, 2, and 3 at Amos Plant.

APPENDIX C

Acid Rain Permit

West Virginia Department of **E**nvironmental **P**rotection
Division of Air Quality

Phase II Acid Rain Permit

Plant Name: **John E. Amos Power Station**		Permit #: **R33-3935-2007-2A**
Affected Unit(s): **1, 2, 3**		
Operator: **Appalachian Power Company**		ORIS Code: **3935**
Effective Date	From: **January 1, 2003**	To: **December 31, 2007**

Contents:

1. Statement of Basis

Statutory and Regulatory Authorities: In accordance with W. Va. Code §22-5-4(a)(16) and Titles IV and V of the Clean Air Act, the West Virginia Department of Environmental Protection, Division of Air Quality issues this permit pursuant to 45 CSR 33 and 45 CSR 30.

Permit Approval

Signed May 8, 2007

John A. Benedict, Director
Division of Air Quality

Date

Plant Name: **John E. Amos Power Station**	Permit #: **R33-3935-2007-2A**

2. SO2 Allocations and NOx Requirements for each affected unit

Unit No. **1**

SO2 Allowances	**Year**				
	2003	**2004**	**2005**	**2006**	**2007**
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	22581	22581	22581	22581	22581
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually **held** by an affected source in a unit account may differ from the number **allocated** by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO_2 allowance allocations identified in this permit (See 40 CFR 72.84).

NO_X Requirements	**2003**	**2004**	**2005**	**2006**	**2007**
NO_X Limit (lb/mmBtu)	0.47	0.47	0.47	0.47	0.46

Pursuant to 40 CFR 76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves four (4) NO_x emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2003, 2004, 2005 and 2006. Under each plan, the unit's NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.47 lb/mmBtu. In addition, this unit shall not have an annual heat input greater than 45,691,000 mmBtu.

2007 Permit modification:

Pursuant to 40 CFR 76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves a NO_x emissions averaging plan for this unit. The plan is effective for the calendar year 2007. Under the plan, the unit's NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.46 lb/mmBtu.

Under the plan, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR 76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR 76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR 76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.

In accordance with 40 CFR 72.40(b)(2), approval of the averaging plan shall be final only when the Arkansas Department of Environmental Quality, Air Division, the Indiana Department of Environmental Management, Office of Air Quality, the Kentucky Department for Environmental Protection, Division for Air Quality, the Ohio Environmental Protection Agency, Division of Air Pollution Control, the Oklahoma Department of Environmental Quality, Air Quality Division, the Virginia Department of Environmental Quality, Division of Air Quality, and the Texas Commission on Environmental Quality, Office of Permitting, Remediation and Registration have also approved this averaging plan.

In addition to the described NO_x compliance plans, this unit shall comply with all other applicable requirements of 40 CFR part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

A permit modification application requesting Phase II NO_x Averaging Plan for the year 2007 was received on December 22, 2006 for the year 2007. This permit modification incorporates the requested change.

Resulting from comments received by American Electric Power (AEP), the paragraph under "2007 Permit modification" has been relocated from the last paragraph in Section 2 NO_x Requirements above to the second paragraph.

4. Permit application forms: Attached.

Plant Name: **John E. Amos Power Station**	Permit #: **R33-3935-2007-2A**

2. SO2 Allocations and NOx Requirements for each affected unit

Unit No. **2**

SO_2 Allowances	**Year**				
	2003	**2004**	**2005**	**2006**	**2007**
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	25890	25890	25890	25890	25890
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually **held** by an affected source in a unit account may differ from the number **allocated** by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO_2 allowance allocations identified in this permit (See 40 CFR 72.84).

NO_X Requirements	**2003**	**2004**	**2005**	**2006**	**2007**
NOX Limit (ACEL) (lb/mmBtu)	0.47	0.47	0.47	0.47	0.46

Pursuant to 40 CFR 76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves four (4) NO_x emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2003, 2004, 2005 and 2006. Under each plan, the unit's NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.47 lb/mmBtu. In addition, this unit shall not have an annual heat input greater than 50,978,000 mmBtu.

2007 Permit modification:

Pursuant to 40 CFR 76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves a NO_x emissions averaging plan for this unit. The plan is effective for the calendar year 2007. Under the plan, the unit's NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.46 lb/mmBtu.

Under the plan, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR 76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR 76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR 76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.

In accordance with 40 CFR 72.40(b)(2), approval of the averaging plan shall be final only when the Arkansas Department of Environmental Quality, Air Division, the Indiana Department of Environmental Management, Office of Air Quality, the Kentucky Department for Environmental Protection, Division for Air Quality, the Ohio Environmental Protection Agency, Division of Air Pollution Control, the Oklahoma Department of Environmental Quality, Air Quality Division, the Virginia Department of Environmental Quality, Division of Air Quality, and the Texas Commission on Environmental Quality, Office of Permitting, Remediation and Registration have also approved this averaging plan.

In addition to the described NO_x compliance plans, this unit shall comply with all other applicable requirements of 40 CFR part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

A permit modification application requesting Phase II NO_x Averaging Plan for the year 2007 was received on December 22, 2006 for the year 2007. This permit modification incorporates the requested change.

Resulting from comments received by American Electric Power (AEP), the paragraph under "2007 Permit modification" has been relocated from the last paragraph in Section 2 NO_x Requirements above to the second paragraph.

4. Permit application forms: Attached.

Plant Name: **John E. Amos Power Station**	Permit #: **R33-3935-2007-2A**

2. SO2 Allocations and NOx Requirements for each affected unit

Unit No. **3**

SO_2 Allowances	**Year**				
	2003	**2004**	**2005**	**2006**	**2007**
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	41498	41498	41498	41498	41498
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually **held** by an affected source in a unit account may differ from the number **allocated** by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO_2 allowance allocations identified in this permit (See 40 CFR 72.84).

NO_X Requirements	**2003**	**2004**	**2005**	**2006**	**2007**
NO_X Limit (lb/mmBtu)	0.70	0.70	0.70	0.70	0.68

Pursuant to 40 CFR 76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves four (4) NO_x emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2003, 2004, 2005 and 2006. Under each plan, the unit's NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.70 lb/mmBtu. In addition, this unit shall not have an annual heat input greater than 81,651,000 mmBtu.

2007 Permit modification:

Pursuant to 40 CFR 76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves a NO_x emissions averaging plan for this unit. The plan is effective for the calendar year 2007. Under the plan, the unit's NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.68 lb/mmBtu.

Under the plan, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR 76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR 76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR 76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.

In accordance with 40 CFR 72.40(b)(2), approval of the averaging plan shall be final only when the Arkansas Department of Environmental Quality, Air Division, the Indiana Department of Environmental Management, Office of Air Quality, the Kentucky Department for Environmental Protection, Division for Air Quality, the Ohio Environmental Protection Agency, Division of Air Pollution Control, the Oklahoma Department of Environmental Quality, Air Quality Division, the Virginia Department of Environmental Quality, Division of Air Quality, and the Texas Commission on Environmental Quality, Office of Permitting, Remediation and Registration have also approved this averaging plan.

In addition to the described NO_x compliance plan, this unit shall comply with all other applicable requirements of 40 CFR part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

A permit modification application requesting Phase II NO_x Averaging Plan for the year 2007 was received on December 22, 2006 for the year 2007. This permit modification incorporates the requested change.

Resulting from comments received by American Electric Power (AEP), the paragraph under "2007 Permit modification" has been relocated from the last paragraph in Section 2 NO_x Requirements above to the second paragraph.

4. Permit application forms: Attached.

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

Phase II NO_x Compliance Plan

For more information, see instructions and refer to 40 CFR 76.9

This submission is: ☐ New ☒ Revised

STEP 1
Indicate plant name, State, and ORIS code from NADB, if applicable

John E. Amos	WV	3935
Plant Name	State	ORIS Code

STEP 2

Identify each affected Group 1 and Group 2 boiler using the boiler ID# from NADB, if applicable. Indicate boiler type: "CB" for cell burner, "CY" for cyclone, "DBW" for dry bottom wall-fired, "T" for tangentially fired, "V" for vertically fired, and "WB" for wet bottom. Indicate the compliance option selected for each unit.

	1 ID# DBW Type	2 ID# DBW Type	3 ID# CB Type	ID# Type	ID# Type	ID# Type
(a) Standard annual average emission limitation of 0.50 lb/mmBtu (for Phase I dry bottom wall-fired boilers)	☐	☐	☐	☐	☐	☐
(b) Standard annual average emission limitation of 0.45 lb/mmBtu (for Phase I tangentially fired boilers)	☐	☐	☐	☐	☐	☐
(c) EPA-approved early election plan under 40 CFR 76.8 through 12/31/07 (also indicate above emission limit specified in plan)	☐	☐	☐	☐	☐	☐
(d) Standard annual average emission limitation of 0.46 lb/mmBtu (for Phase II dry bottom wall-fired boilers)	☐	☐	☐	☐	☐	☐
(e) Standard annual average emission limitation of 0.40 lb/mmBtu (for Phase II tangentially fired boilers)	☐	☐	☐	☐	☐	☐
(f) Standard annual average emission limitation of 0.68 lb/mmBtu (for cell burner boilers)	☐	☐	☐	☐	☐	☐
(g) Standard annual average emission limitation of 0.86 lb/mmBtu (for cyclone boilers)	☐	☐	☐	☐	☐	☐
(h) Standard annual average emission limitation of 0.80 lb/mmBtu (for vertically fired boilers)	☐	☐	☐	☐	☐	☐
(i) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)	☐	☐	☐	☐	☐	☐
(j) NO_x Averaging Plan (include NO_x Averaging form)	☒	☒	☒	☐	☐	☐
(k) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(A) (check the standard emission limitation box above for most stringent limitation applicable to any unit utilizing stack)	☐	☐	☐	☐	☐	☐
(l) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(B) with NO_x Averaging (check the NO_x Averaging Plan box and include NO_x Averaging form)	☐	☐	☐	☐	☐	☐

EPA Form 7610-28 (12-03)

John E. Amos
Plant Name (from Step 1)

STEP 2, cont'd.

	ID# 1 Type DBW	ID# 2 Type DBW	ID# 3 Type CB	ID# Type	ID# Type	ID# Type
(m) EPA-approved common stack apportionment method pursuant to 40 CFR 75.17 (a)(2)(i)(C), (a)(2)(iii)(B), or (b)(2)	☐	☐	☐	☐	☐	☐
(n) AEL (include Phase II AEL Demonstration Period, Final AEL Petition, or AEL Renewal form as appropriate)	☐	☐	☐	☐	☐	☐
(o) Petition for AEL demonstration period or final AEL under review by U.S. EPA or demonstration period ongoing	☐	☐	☐	☐	☐	☐
(p) Repowering extension plan approved or under review	☐	☐	☐	☐	☐	☐

STEP 3
Read the standard requirements and certification, enter the name of the designated representative, sign &

Standard Requirements

General. This source is subject to the standard requirements in 40 CFR 72.9 (consistent with 40 CFR 76.8(e)(1)(i)). These requirements are listed in this source's Acid Rain Permit.

Special Provisions for Early Election Units

Nitrogen Oxides. A unit that is governed by an approved early election plan shall be subject to an emissions limitation for NO$_x$ as provided under 40 CFR 76.8(a)(2) except as provided under 40 CFR 76.8(e)(3)(ii).
Liability. The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or 40 CFR 76.8 at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.
Termination. An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January 1 of the calendar year for which a termination of the plan takes effect. If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under 40 CFR 76.5 for any year during the period beginning January 1 of the first year the early election takes effect and ending December 31, 2007, the permitting authority will terminate the plan. The termination will take effect beginning January 1 of the year after the year for which there is a failure to demonstrate compliance, and the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative must submit a notice under 40 CFR 72.40(d) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated any year prior to 2000, the unit shall meet, beginning January 1, 2000, the applicable emissions limitation for NO$_x$ for Phase II units with Group 1 boilers under 40 CFR 76.7. If an early election plan is terminated on or after 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO$_x$ for Phase II units with Group 1 boilers under 40 CFR 76.7.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

John M. McManus
Name

Signature John M. McManus — December 19, 2006
Date

EPA Form 7610-28 (12-03)

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

Phase II NO_x Averaging Plan

For more information, see instructions and refer to 40 CFR 76.11

This submission is: ☐ New ☒ Revised

STEP 1

Identify the units participating in this averaging plan by plant name, State, and boiler ID# from NADB. In column (a), fill in each unit's applicable emission limitation from 40 CFR 76.5, 76.6, or 76.7. In column (b), assign an alternative contemporaneous annual emissions limitation (ACEL) in lb/mmBtu to each unit. In column (c), assign an annual heat input limitation in mmBtu to each unit. Continue to page 3 if necessary.

Plant Name	State	ID#	(a) Emission Limitation	(b) ACEL	(c) Annual Heat Input Limit
Rockport	IN	MB1	0.46	0.46	88,636,400
Rockport	IN	MB2	0.46	0.46	93,566,400
Tanners Creek	IN	U1	0.80	0.80	8,960,400
Tanners Creek	IN	U2	0.80	0.80	9,839,600
Tanners Creek	IN	U3	0.80	0.80	10,605,200
Tanners Creek	IN	U4	0.86	0.86	28,043,800
Big Sandy	KY	BSU1	0.46	0.46	16,002,200
Big Sandy	KY	BSU2	0.46	0.46	51,126,800
Conesville	OH	3	0.50	0.50	3,518,200

STEP 2

Use the formula to enter the Btu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan and the Btu-weighted annual average emission rate for the same units if they are operated in compliance with 40 CFR 76.5, 76.6, or 76.7. The former must be less than or equal to the latter.

Btu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan		Btu-weighted annual average emission rate for same units operated in compliance with 40 CFR 76.5, 76.6 or 76.7
.56	≤	.56

$$\frac{\sum_{i=1}^{n} (R_{Li} \times HI_i)}{\sum_{i=1}^{n} HI_i} \leq \frac{\sum_{i=1}^{n} [R_{1i} \times HI_i]}{\sum_{i=1}^{n} HI_i}$$

Where,

R_{Li} = Alternative contemporaneous annual emission limitation for unit i, in lb/mmBtu, as specified in column (b) of Step 1;

R_{1i} = Applicable emission limitation for unit i, in lb/mmBtu, as specified in column (a) of Step 1;

HI_i = Annual heat input for unit i, in mmBtu, as specified in column (c) of Step 1;

n = Number of units in the averaging plan

EPA Form 7610-29 (12-03)

John E. Amos
Plant Name (from Step 1)

STEP 3

Mark one of the two options and enter dates.

[X] This plan is effective for calendar year 2007 through calendar year 2011 unless notification to terminate the plan is given.

[ ] Treat this plan as [ ] identical plans, each effective for one calendar year for the following calendar years: _____, _____, _____, _____ and _____ unless notification to terminate one or more of these plans is given.

STEP 4

Read the special provisions and certification, enter the name of the designated representative, and sign and date.

Special Provisions

Emission Limitations

Each affected unit in an approved averaging plan is in compliance with the Acid Rain emission limitation for NO_x under the plan only if the following requirements are met:

(i) For each unit, the unit's actual annual average emission rate for the calendar year, in lb/mmBtu, is less than or equal to its alternative contemporaneous annual emission limitation in the averaging plan, and
(a) For each unit with an alternative contemporaneous emission limitation less stringent than the applicable emission limitation in 40 CFR 76.5, 76.6, or 76.7, the actual annual heat input for the calendar year does not exceed the annual heat input limit in the averaging plan,
(b) For each unit with an alternative contemporaneous emission limitation more stringent than the applicable emission limitation in 40 CFR 76.5, 76.6, or 76.7, the actual annual heat input for the calendar year is not less than the annual heat input limit in the averaging plan, or
(ii) If one or more of the units does not meet the requirements of (i), the designated representative shall demonstrate, in accordance with 40 CFR 76.11(d)(1)(ii)(A) and (B), that the actual Btu-weighted annual average emission rate for the units in the plan is less than or equal to the Btu-weighted annual average rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations in 40 CFR 76.5, 76.6, or 76.7.
(iii) If there is a successful group showing of compliance under 40 CFR 76.11(d)(1)(ii)(A) and (B) for a calendar year, then all units in the averaging plan shall be deemed to be in compliance for that year with their alternative contemporaneous emission limitations and annual heat input limits under (i).

Liability

The owners and operators of a unit governed by an approved averaging plan shall be liable for any violation of the plan or this section at that unit or any other unit in the plan, including liability for fulfilling the obligations specified in part 77 of this chapter and sections 113 and 411 of the Act.

Termination

The designated representative may submit a notification to terminate an approved averaging plan, in accordance with 40 CFR 72.40(d), no later than October 1 of the calendar year for which the plan is to be terminated.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

John M. McManus	
Name	
Signature John M. McManus	December 19, 2006 Date

EPA Form 7610-29 (12-03)

John E. Amos
Plant Name (from Step 1)

STEP 1

Continue the identification of units from Step 1, page 1, here.

Plant Name	State	ID#	(a) Emission Limitation	(b) Alt. Contemp. Emission Limitation	(c) Annual Heat Input Limit
Conesville	OH	4	0.45	0.45	44,976,190
Conesville	OH	5	0.40	0.40	25,434,200
Conesville	OH	6	0.40	0.40	24,905,400
Muskingum	OH	1	0.84	0.84	8,796,800
Muskingum	OH	2	0.84	0.84	8,181,600
Muskingum	OH	3	0.86	0.86	8,251,800
Muskingum	OH	4	0.86	0.86	8,143,200
Muskingum	OH	5	0.68	0.68	35,606,400
Picway	OH	9	0.50	0.50	3,432,400
Clinch River	VA	1	0.80	0.80	11,366,000
Clinch River	VA	2	0.80	0.80	14,350,000
Clinch River	VA	3	0.80	0.80	14,544,000
Glen Lyn	VA	51	0.40	0.40	1,581,500
Glen Lyn	VA	52	0.40	0.40	1,581,500
Glen Lyn	VA	6	0.46	0.46	5,930,000
John E Amos	WV	1	0.46	0.46	52,512,000
John E Amos	WV	2	0.46	0.46	52,031,200
John E Amos	WV	3	0.68	0.68	88,228,800
Kammer	WV	1	0.86	0.86	11,214,400
Kammer	WV	2	0.86	0.86	11,570,600
Kammer	WV	3	0.86	0.86	11,498,000
Kanawha	WV	1	0.80	0.80	10,392,600
Kanawha	WV	2	0.80	0.80	9,018,200
Mitchell	WV	1	0.50	0.50	50,415,600
Mitchell	WV	2	0.50	0.50	53,611,600
Mountaineer	WV	1	0.46	0.46	97,048,400
Sporn	WV	11	0.80	0.80	7,467,000

John E. Amos
Plant Name (from Step 1)

STEP 1

Continue the identification of units from Step 1, page 1, here.

Plant Name	State	ID#	(a) Emission Limitation	(b) Alt. Contemp. Emission Limitation	(c) Annual Heat Input Limit
Sporn	WV	21	0.80	0.80	7,203,600
Sporn	WV	31	0.80	0.80	7,733,800
Sporn	WV	41	0.80	0.80	8,083,200
Sporn	WV	51	0.46	0.46	13,054,800
Cardinal	OH	1	0.68	0.68	37,568,400
Cardinal	OH	2	0.68	0.68	39,809,200
Cardinal	OH	3	0.46	0.46	39,209,000
Gavin	OH	1	0.68	0.68	86,301,600
Gavin	OH	2	0.68	0.68	93,845,000
Flint Creek	AR	1	0.46	0.46	37,879,000
Northeastern	OK	3313	0.40	0.40	33,560,000
Northeastern	OK	3314	0.40	0.40	35,524,000
Oklaunion	TX	1	0.46	0.46	44,826,000
Pirkey	TX	1	0.46	0.46	51,699,000
Welsh	TX	1	0.46	0.46	37,588,000
Welsh	TX	2	0.46	0.46	37,923,000
Welsh	TX	3	0.46	0.46	39,080,000

APPENDIX D

CAIR Permit Application

CAIR Permit Application

For sources subject to the Clean Air Interstate Rule Trading Programs under 45CSR39, 45CSR40 and 45CSR41, the West Virginia Department of Environmental Protection, Division of Air Quality has prepared this CAIR Permit Application. Please refer to sections 21 and 22 of 45CSR39, 45CSR40 and 45CSR41, as applicable.

This submission is: ☒ **New** ☐ **Revised**

STEP 1
Identify the source by plant name, and ORIS or facility code

John E. Amos Plant	079-00006	3935
Plant Name	West Virginia ID Number	ORIS/Facility Code

STEP 2
Enter the unit ID# for each CAIR unit and indicate to which CAIR programs each unit is subject (by placing an "X" in the column)

Unit ID#	NO_x Annual	NO_x Ozone Season	SO_2 Annual
1	X	X	X
2	X	X	X
3	X	X	X
AUX1		X	
AUX3		X	

STEP 3
Read the standard requirements and the certification, enter the name of the CAIR designated representative, and sign and date

Standard Requirements

(a) Permit Requirements.

(1) The CAIR designated representative of each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) required to have a Title V operating permit and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) required to have a Title V operating permit at the source shall:

(i) Submit to the Secretary a complete CAIR permit application under 45CSR§39-22, 45CSR§40-22 and 45CSR§41-22 (as applicable) in accordance with the deadlines specified in 45CSR§39-21, 45CSR§40-21 and 45CSR§41-21 (as applicable); and

(ii) Submit in a timely manner any supplemental information that the Secretary determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) required to have a Title V operating permit and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) required to have a Title V operating permit at the source shall have a CAIR permit issued by the Secretary under sections 20 through 24 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) for the source and operate the source and the unit in compliance with such CAIR permit.

(3) Except as provided in sections 80 through 88 of 45CSR39, 45CSR40 and 45CSR41, the owners and operators of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) that is not otherwise required to have a Title V operating permit and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) that is not otherwise required to have a Title V operating permit are not required to submit a CAIR permit application and to have a CAIR permit, under sections 20 through 24 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) for such CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) and such CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable).

John E. Amos Plant
Plant Name

STEP 3, continued

(b) Monitoring, reporting and recordkeeping requirements.

(1) The owners and operators and the CAIR designated representative, of each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) at the source shall comply with the monitoring, reporting and recordkeeping requirements of sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable).

(2) The emissions measurements recorded and reported in accordance with sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) shall be used to determine compliance by each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) with the CAIR NO_x Annual emissions limitation, CAIR NO_x Ozone Season emissions limitation and CAIR SO_2 emissions limitation (as applicable) under 45CSR§39-6.3, 45CSR§40-6.3 and 45CSR§41-6.3 (as applicable).

(c) Nitrogen oxides annual emissions requirements.

(1) As of the allowance transfer deadline for the 2009 control period and each control period thereafter, the owners and operators of each CAIR NO_x Annual source and each CAIR NO_x Annual unit at the source shall hold, in the source's compliance account, CAIR NO_x Annual allowances available for compliance deductions for the control period under 45CSR§39-54.1 in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x Annual units at the source, as determined in accordance with sections 70 through 75 of 45CSR39.

(2) A CAIR NO_x Annual unit shall be subject to the requirements under 45CSR§39-6.3.a for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, or 70.2.e of 45CSR39, and for each control period thereafter.

(3) A CAIR NO_x Annual allowance shall not be deducted, for compliance with the requirements under 45CSR§39-6.3.a, for the control period in a calendar year before the year for which the CAIR NO_x Annual allowance was allocated.

(4) CAIR NO_x Annual allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Allowance Tracking System accounts in accordance with sections 50 through 62, and 80 through 88 of 45CSR39.

(5) A CAIR NO_x Annual allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Annual Trading Program. No provision of the CAIR NO_x Annual Trading Program, the CAIR permit application, the CAIR permit, or an exemption under 45CSR§39-5 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.

(6) A CAIR NO_x Annual allowance does not constitute a property right.

(7) Upon recordation by the Administrator under sections 40 through 62, and 80 through 88 of 45CSR39, every allocation, transfer, or deduction of a CAIR NO_x Annual allowance to or from a CAIR NO_x Annual source's compliance account is incorporated automatically in any CAIR permit of the source.

(d) Nitrogen oxides ozone season emissions requirements.

(1) As of the allowance transfer deadline for the 2009 ozone season and each ozone season thereafter, the owners and operators of each CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO_x Ozone Season allowances available for compliance deductions for the ozone season under 45CSR§40-54.1 in an amount not less than the tons of total nitrogen oxides emissions for the ozone season from all CAIR NO_x Ozone Season units at the source, as determined in accordance with sections 70 through 75 of 45CSR40.

(2) A CAIR NO_x Ozone Season unit shall be subject to the requirements under 45CSR§40-6.3.a for the ozone season starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, 70.2.c or 70.2.g of 45CSR40 and for each ozone season thereafter.

(3) A CAIR NO_x Ozone Season allowance shall not be deducted, for compliance with the requirements under 45CSR§40-6.3.a, for an ozone season in a calendar year before the year for which the CAIR NO_x Ozone Season allowance was allocated.

(4) CAIR NO_x Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Ozone Season Allowance Tracking System accounts in accordance with sections 50 through 62, and 80 through 88 of 45CSR40.

(5) A CAIR NO_x Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Ozone Season Trading Program. No provision of the CAIR NO_x Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under 45CSR§40-5 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.

(6) A CAIR NO_x Ozone Season allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subdivision 43.3, sections 51 through 57, 60 through 62, and 80 through 88 of 45CSR40, every allocation, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from a CAIR NO_x Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

(e) Sulfur dioxide annual emission requirements.

(1) As of the allowance transfer deadline for the 2010 control period and each control period thereafter, the owners and operators of each CAIR SO_2 source and each CAIR SO_2 unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO_2 allowances available for compliance deductions for the control period, as determined in accordance with subsections 54.1 and 54.2 of 45CSR§41 in an amount not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO_2 units at the source, as determined in accordance with sections 70 through 75 of 45CSR41.

(2) A CAIR SO_2 unit shall be subject to the requirements under 45CSR§41-6.3.a for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, or 70.2.e of 45CSR41 and for each control period thereafter.

(3) A CAIR SO_2 allowance shall not be deducted, for compliance with the requirements under 45CSR§41-6.3.a, for a control period in a calendar year before the year for which the CAIR SO_2 allowance was allocated.

(4) CAIR SO_2 allowances shall be held in, deducted from, or transferred into or among CAIR SO_2 Allowance Tracking System accounts in accordance with sections 51through 62, and 80 through 88 of 45CSR41.

(5) A CAIR SO_2 allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO_2 Trading Program. No provision of the CAIR SO_2 Trading Program, the CAIR permit application, the CAIR permit, or an exemption under 45CSR§41-5 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.

(6) A CAIR SO_2 allowance does not constitute a property right.

(7) Upon recordation by the Administrator under sections 51 through 57, 60 through 62, and 80 through 88 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO_2 allowance to or from a CAIR SO_2 source's compliance account is incorporated automatically in any CAIR permit of the source.

John E. Amos Plant
Plant Name

STEP 3, continued

(f) Excess emissions requirements.

(1) If a CAIR NO_x Annual source emits nitrogen oxides during any control period in excess of the CAIR NO_x Annual emissions limitation, then:

(i) The owners and operators of the source and each CAIR NO_x Annual unit at the source shall surrender the CAIR NO_x Annual allowances required for deduction under 45CSR§39-54.4.a and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or West Virginia Code §22-5-1 et seq; and

(ii) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 45CSR39, the Clean Air Act, and West Virginia Code §22-5-1 et seq.

(2) If a CAIR NO_x Ozone Season source emits nitrogen oxides during any ozone season in excess of the CAIR NO_x Ozone Season emissions limitation, then:

(i) The owners and operators of the source and each CAIR NO_x Ozone Season unit at the source shall surrender the CAIR NO_x Ozone Season allowances required for deduction under 45CSR§40-54.4.a and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or West Virginia Code §22-5-1 et seq; and

(ii) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 45CSR40, the Clean Air Act, and West Virginia Code §22-5-1 et seq.

(3) If a CAIR SO_2 source emits sulfur dioxide during any control period in excess of the CAIR SO_2 emissions limitation, then:

(i) The owners and operators of the source and each CAIR SO_2 unit at the source shall surrender the CAIR SO_2 allowances required for deduction under 45CSR§41-54.4.a and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or West Virginia Code §22-5-1 et seq; and

(ii) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 45CSR41, the Clean Air Act, and West Virginia Code §22-5-1 et seq.

(g) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Secretary or the Administrator.

(i) The certificate of representation under 45CSR§39-13, 45CSR§40-13 and 45CSR§41-13 (as applicable) for the CAIR designated representative for the source and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 45CSR§39-13, 45CSR§40-13 and 45CSR§41-13 (as applicable) changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable), provided that to the extent that sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable).

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable) or to demonstrate compliance with the requirements of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) at the source shall submit the reports required under the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable) including those under sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable).

(h) Liability.

(1) Each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) and each NO_x unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) shall meet the requirements of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable).

(2) Any provision of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program or CAIR SO_2 Trading Program (as applicable) that applies to a CAIR NO_x Annual source, CAIR NO_x Ozone Season source or CAIR SO_2 source (as applicable) or the CAIR designated representative of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source or CAIR SO_2 source (as applicable) shall also apply to the owners and operators of such source and of the CAIR NO_x Annual units, CAIR NO_x Ozone Season units or CAIR SO_2 units (as applicable) at the source.

(3) Any provision of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program or CAIR SO_2 Trading Program (as applicable) that applies to a CAIR NO_x Annual unit, CAIR SO_2 unit or CAIR NO_x Ozone Season unit (as applicable) or the CAIR designated representative of a CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit or CAIR SO_2 unit (as applicable) shall also apply to the owners and operators of such unit.

(i) Effect on Other Authorities.

No provision of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable), a CAIR permit application, a CAIR permit, or an exemption under 45CSR§39-5, 45CSR§40-5, or 45CSR§41-5 (as applicable) shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) or CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

Plant Name	John E. Amos Plant

STEP 3, continued

Certification

I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

CAIR Designated Representative	John M. McManus	
Signature	John M McManus	Date 5/25/07

APPENDIX E

Compliance Order # CO-R37-C-2008-4

west virginia department of environmental protection

Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone 304/926-0475 • FAX: 304/926-0479

Joe Manchin III, Governor
Stephanie R. Timmermeyer, Cabinet Secretary
www.wvdep.org

COMPLIANCE ORDER
ISSUED UNDER THE
AIR POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 5, SECTION 4

DATE: April 7, 2008 ORDER NO.: # CO-R37-C-2008-4

TO: Allegheny Energy Supply Company, LLC
American Bituminous Power Partners
Appalachian Power Company
Dominion Generation
Morgantown Energy Associates
Ohio Power Company

INTRODUCTION

This Compliance Order is issued by the Director of the Division of Air Quality (hereinafter "Director"), under the authority of West Virginia Code, Chapter 22, Article 5, Section 1 et seq. to the above owners or operators

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. On December 20, 2000, EPA issued a finding pursuant to CAA section 112(n)(1)(A), *Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units* [65FR79825, 20 DEC2000], that it was appropriate and necessary to regulate mercury (Hg) under Section 112 of the Clean Air Act (CAA).

2. On March 29, 2005, EPA published a final agency action which delisted such utility units under section 112(n)(1) of the CAA, *Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List* [70FR15994, 29MAR2005].

3. On May 18, 2005, EPA published *Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units* [70FR28606, 18MAY2005].

This rule is referred to as the Clean Air Mercury Rule (CAMR). This rule required States to submit a 111(d) State Plan for EPA approval outlining a plan to meet the CAMR requirements.

4. CAMR required Hg reductions in two phases, with Phase I covering 2010 - 2017, and Phase II beginning in 2018. CAMR Phase I did not impose any Hg reduction requirements beyond those required to control SO_2 and NO_x emissions under Phase I of the Clean Air Interstate Rule (CAIR) [70FR25162, 12MAY2005]. CAIR requires SO_2 and NO_x reductions in 22 eastern states, including West Virginia.

5. To comply with CAMR, West Virginia implemented 45CSR37 – Mercury Budget Trading Program to Reduce Mercury Emissions – which became effective on May 1, 2006. 45CSR37 is the state counterpart to the federal CAMR.

6. On July 12, 2006, West Virginia submitted 45CSR37 to EPA to meet the 111(d) State Plan requirements of CAMR.

7. On February 8, 2008, the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) issued a decision in *New Jersey v. EPA* which vacated two of the rules listed above:
   (a) 40 CFR Part 63 – Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List [70FR15994, 29MAR2005]; and
   (b) 40 CFR Parts 60, 72 and 75 – Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units (CAMR) [70FR28606, 18MAY2005].

8. On March 14, 2008, the DC Circuit issued the mandate that the CAMR be vacated.

9. On March 24, 2008, EPA appealed the decision of the DC Circuit to vacate the CAMR. EPA has requested an *en banc* hearing. Litigation is ongoing.

10. The following companies own and/or operate one or more fossil fuel-fired stationary boiler(s) at the identifed facilities, serving a generator with nameplate capacity greater than 25 MW_e which emits mercury (Hg) in West Virginia:

Company	Facility	ID Number
Allegheny Energy Supply Company, LLC	Albright Power Station	077-00001
	Fort Martin Power Station	061-00001
	Harrison Power Station	033-00015
	Pleasants Power Station	073-00005
	Rivesville Power Station	049-00009
	Willow Island Power Station	073-00004

Company	Facility	ID Number
American Bituminous Power Partners	Grant Town Power Plant	049-00026
Appalachian Power Company	John E. Amos	079-00006
	Kanawha River	039-00006
	Mountaineer	053-00009
Dominion Generation	Mt. Storm Power Station	023-00003
	North Branch Power Station	023-00014
Morgantown Energy Associates	Morgantown Powr Plant	061-00027
Ohio Power Company	Kammer	051-00006
	Mitchell	051-00005
	Philip Sporn	053-00001

11. Such units are of sufficient capacity to render them subject to the Standard Requirements under 45CSR37, including the requirement to obtain a Hg budget permit, and comply with all applicable provisions of the CAMR program.

12. The applicable provisions of the CAMR program were vacated by the DC Circuit, therefore the only 45CSR37 requirement that is currently applicable is the requirement to obtain a Hg budget permit, which is contained in Section 21 of the rule. The Hg budget permit application is required to be submitted by the applicant's Hg designated representative. However, since such representative must be registered with EPA under the CAMR program and since the federal CAMR program was vacated, there are no Hg budget designated representatives.

13. This Order does not make any finding of violation against the owners or operators listed in this Order.

ORDER HOLDING 45CSR37 REQUIREMENTS IN ABEYANCE

Since the provisions of 45CSR37 are intrinsically tied to the provisions of the federal CAMR rule, which has been vacated, and the Hg reductions required under Phase I of the CAMR will still be obtained since they were predicated on the Hg reduction co-benefit of SO_2 and NO_x reductions required under the Clean Air Interstate Rule [70FR25162, 12MAY2005], the Director finds that it is appropriate to hold specific requirements of 45CSR37 in abeyance pending resolution of the ongoing federal litigation related to CAMR.

Now, therefore, the Director hereby ORDERS that the requirements of 45CSR37, Section 21 be held in abeyance pending resolution of the ongoing CAMR litigation or final action is taken by the State to revoke this order or to repeal, revise or replace 45CSR37.

OTHER PROVISIONS

1. This Order shall not in any way be construed as relieving the owners or operators listed above of the obligation to comply with any other applicable law, permit, order, or any requirement otherwise applicable.

2. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.

This Order shall become effective April 7, 2008.

John A. Benedict, Director
Division of Air Quality

Promoting a healthy environment.